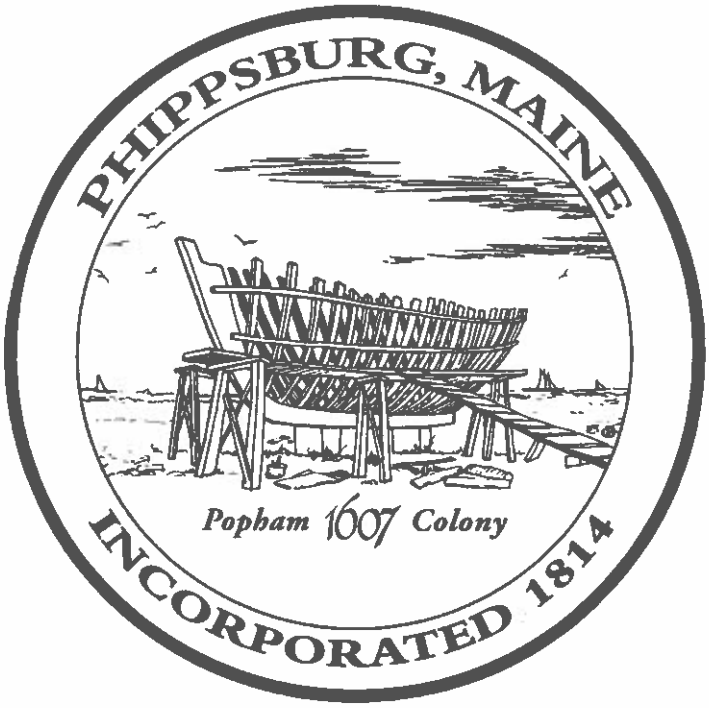

Shoreland Zoning Ordinance

June 15th, 2022

Amended: June 11, 2025

Adopted June 11, 2025
Town Meeting Article 75

Enacted: 06/11/2025
Effective date: 06/11/2025
Attested to be a true copy: Lisa M. Wallace
Lisa Wallace, Town Clerk

Town of Phippsburg, Maine

Shoreland Zoning Ordinance

June 15th, 2022

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ABBREVIATIONS

CEO	Codes Enforcement Officer
DEP	Department of Environmental Protection
DMR	Department of Marine Resources
GP	Great Pond
GPA	Great Pond Area Classification
IF&W	Inland Fisheries and Wildlife
MUBEC	Maine Universal Building and Energy Code
LPI	Licensed Plumbing Inspector
MRSA	Maine Revised Statutes Annotated
NFPA	National Fire Protection Association
Town	Town of Phippsburg

SHORELAND ZONING ORDINANCE
TOWN OF PHIPPSBURG, MAINE

The effective date of this Ordinance is June 15th, 2022. This Ordinance repeals and replaces in its entirety the Ordinance entitled "Shoreland Zoning Ordinance, as Amended through May 2014."

Section 1. Purpose - The purpose of this Ordinance is to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird, and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect commercial fishing and maritime industries; to protect freshwater and coastal wetlands; to control building sites, placement of structures, and land uses; to conserve shore cover, and visual as well as actual points of access to inland and coastal waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

Section 2. Authority - This Ordinance has been prepared in accordance with the provisions of Title 38 Sections 435-449 of the Maine Revised Statutes Annotated (M.R.S.A.) and the general home rule powers of the Town of Phippsburg.

Section 3. Applicability

A. This Ordinance applies to all land areas within 250 feet, horizontal distance, of the:

1. Normal high-water line of any great pond or river,
2. Upland edge of a coastal wetland, including all areas affected by tidal action, and
3. Upland edge of a freshwater wetland.

B. This Ordinance also applies to:

1. All land areas within 75 feet, horizontal distance, of the normal high-water line of a stream.
2. All 100-year flood plains as defined by the current Flood Insurance Rate Maps.
3. Any structure built on, over or abutting a dock, wharf or pier, or other structure extending over or located below the normal high-water line of a water body or within a wetland.

Section 4. Effective Date of Ordinance

A. This Ordinance, which was adopted by the municipal legislative body on June 15th 2022, shall not be effective unless approved by the Commissioner of the Department of Environmental Protection. A certified copy of the Ordinance, attested and signed by the Municipal Clerk, shall be forwarded to the Commissioner for approval. If the Commissioner fails to act on this Ordinance within forty-five (45) days of his/her receipt of the Ordinance, or Ordinance Amendment, it shall be automatically approved.

B. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of this Ordinance, if the Ordinance is approved by the Commissioner.

Section 5. Availability - A certified copy of this Ordinance shall be filed with the Municipal Clerk and shall be accessible to any member of the public. Copies shall be made available to the public at reasonable cost at the expense of the person making the request. Notice of availability of this Ordinance shall be posted.

Section 6. Severability - Should any section or provision of this Ordinance be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.

Section 7. Conflicts with other Ordinances - Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or of any other ordinance, regulation, or statute administered by the municipality, the more restrictive provision shall control.

Section 8. Amendments

A. This Ordinance may be amended only by a majority vote at any Phippsburg Town Meeting. Copies of amendments, attested and signed by the Town Clerk, shall be submitted to the Commissioner of the Department of Environmental Protection following adoption by the municipal legislative body and shall not be effective unless approved by the Commissioner. If the Commissioner fails to act on any amendment within forty-five (45) days of his/her receipt of the amendment, the amendment is automatically approved. Any application for a permit submitted to the municipality within the forty-five (45) day period shall be governed by the terms of the amendment if such amendment is approved by the Commissioner.

B. Amendments shall be initiated only by a majority vote of the Planning Board, or by a majority vote of the Select Board, or by written petition signed by a number of voters equal to at least ten (10) percent of the number of votes cast in the Town at the last gubernatorial election.

Section 9. Districts and Zoning Map

A. Official Shoreland Zoning Map. The areas to which this Ordinance is applicable are hereby divided into the following districts as shown on the Official Shoreland Zoning Map which is part of this Ordinance:

a. Resource Protection
b. Residential
c. Village
d. General Development
e. Stream Protection

B. Scale of Map. The Official Shoreland Zoning Map shall be drawn at a scale of not less than one inch = 2,000 feet. District boundaries shall be clearly delineated and a legend indicating the symbols for each district shall be placed on the map.

C. Certification of Official Shoreland Zoning Map. The Official Shoreland Zoning Map shall be certified by the attested signature of the Town Clerk and shall be located in the Town Hall.

D. Changes to the Official Shoreland Zoning Map. If amendments, in accordance with Section 8, are made in the district boundaries or other matter portrayed on the Official Shoreland Zoning Map, such changes shall be made on the Official Shoreland Zoning Map within thirty (30) days after the amendment has been approved by the Commissioner of the Department of Environmental Protection.

Section 10. Interpretation of District Boundaries. Unless otherwise set forth on the Official Shoreland Zoning Map, district boundary lines are property lines, the centerlines of streets, roads and rights of way, and the boundaries of the shoreland area as defined herein. Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to location.

Section 11. Land Use Requirements. Except as hereinafter specified, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved, or altered and no new lot shall be created except in conformity with all of the regulations herein specified for the district in which it is located, unless a variance is granted.

Section 12. Nonconformance

A. Purpose. It is the intent of this Ordinance to promote land use conformities, except those nonconforming conditions that existed before the effective date of this Ordinance or amendments thereto shall be allowed to continue, subject to the requirements set forth in Section 12. Except as otherwise provided in this Ordinance, a non-conforming condition shall not become more non-conforming.

B. General.

1. Transfer of Ownership: Non-conforming structures, lots, and uses may be transferred, and the new owner may continue the non-conforming use or continue to use the non-conforming structure or lot, subject to the provisions of this Ordinance.

2. Repair and Maintenance: This Ordinance allows, without a Planning Board permit, the normal upkeep and maintenance of non-conforming uses and structures including repairs or renovations that do not involve an expansion of the non-conforming use or structure, and such other changes in a non-conforming use or structure as federal, state, or local building and safety codes may require. Any repairs or renovations with a value of $1,000.00 or more require a building permit.

***NOTE**: Value equals cost of material and labor at fair market rates*

C. Nonconforming Structures.

1. Expansions. All new principal and accessory structures, excluding functionally water dependent uses, must meet the water body, tributary stream, or wetland setback requirements contained in Section 15(B)(1). A nonconforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure if such addition or expansion does not increase the nonconformity of the structure and is in accordance with subparagraphs (a) and (b) below.

a. Expansion of any portion of a structure within 25 feet of the normal high-water line of a water body, tributary stream, or upland edge of a wetland is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream, or wetland setback requirement. Expansion of an accessory structure that is located closer to the normal high-water line of a water body, tributary stream, or upland edge of a wetland than the principal structure is prohibited, even if the expansion will not increase nonconformity with the water body, tributary stream, or wetland setback requirement.

b. Notwithstanding paragraph (a), above, if a legally existing nonconforming principal structure is entirely located less than 25 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, that structure may be expanded as follows, as long as all other applicable municipal land use standards are met, and the expansion is not prohibited by Section 12(C)(1).

i. The maximum total footprint for the principal structure may not be expanded to a size greater than 800 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of the principal structure may not be made greater than 15 feet or the height of the existing structure, whichever is greater.

c. All other legally existing nonconforming principal and accessory structures that do not meet the water body, tributary stream, or wetland setback requirements may be expanded or altered as follows, as long as other applicable municipal land use standards are met and the expansion is not prohibited by Section 12(C)(1) or Section 12(C)(1)(a), above.

i. For structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,000 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 20 feet or the height of the existing structure, whichever is greater.

ii. For structures located less than 100 feet from the normal high-water line of a great pond classified as GPA or a river flowing to a great pond classified as GPA, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed on January 1, 1989, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater. Any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Section 12(C)(1)(b)(i) and Section 12(C)(1)(c)(i), above.

iii. In addition to the limitations in subparagraphs (i) and (ii), for structures that are legally nonconforming due to their location within the Resource Protection District when located at less than 250 feet from the normal high-water line of a water body or the upland edge of a wetland, the maximum combined total footprint for all structures may not be expanded to a size greater than 1,500 square feet or 30% larger than the footprint that existed at the time the Resource Protection District was established on the lot, whichever is greater. The maximum height of any structure may not be made greater than 25 feet or the height of the existing structure, whichever is greater, except that any portion of those structures located less than 75 feet from the normal high-water line of a water body, tributary stream, or upland edge of a wetland must meet the footprint and height limits in Section 12(C)(1)(b)(i) and Section 12(C)(1)(c)(i), above.

iv. No structure which is less than the required setback from the normal high-water line of a water body, tributary stream, or upland edge of a wetland shall be expanded toward the water body, tributary stream, or wetland.

d. An approved plan for expansion of a nonconforming structure must be recorded by the applicant with the Sagadahoc Registry of Deeds, within 90 days of approval. The recorded plan must show the existing and proposed footprint of the non-conforming structure, the existing and proposed structure height, the footprint of any other structures on the parcel, the shoreland zone boundary, and evidence of approval by the municipal review authority.

e. No building permit shall be issued by the CEO without proof of such recording.

2. Foundations. Whenever a new, enlarged, or replacement foundation is constructed under a non-conforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the Planning Board, basing its decision on the criteria specified in Section 12(C)(3).

3. Relocation. A non-conforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the Planning Board, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of State law and the State of Maine Subsurface Wastewater Disposal Rules (Rules), or that a new system can be installed in compliance with the law and said Rules. In no case shall a structure be relocated in a manner that causes the structure to be more nonconforming.

In determining whether the building relocation meets the setback to the greatest practical extent, the Planning Board shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation.

When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the Planning Board shall require replanting of native vegetation to compensate for the destroyed vegetation in accordance with Section 15(T). In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

a. Trees removed in order to relocate a structure must be replanted with at least one native tree, three (3) feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50% of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed.

Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed, or removed.

b. Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.

4. Reconstruction or Replacement. Any nonconforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed, or damaged or destroyed, regardless of the cause, by more than 50% of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within eighteen (18) months of the date of said damage, destruction, or removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream, or wetland setback requirement to the greatest practical extent as determined by the Planning Board in accordance with the purposes of this Ordinance. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to Section 12(C)(1) above, as determined by the nonconforming footprint of the reconstructed or replaced structure at its new location. If the total footprint of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with Section 12(C)(3) above.

Any nonconforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed by fifty (50)% or less of the market value, or damaged or destroyed by fifty (50)% or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained, from the Codes Enforcement Officer within one year of such damage, destruction, or removal.

In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent the Planning Board shall consider, in addition to the criteria in Section 12(C)(3) above, the physical condition and type of foundation present, if any.

5. Change of Use of a Non-conforming Structure. The use of a non-conforming structure may not be changed to another use unless the Planning Board, after receiving a written application, determines that the new use will have no greater adverse impact on the water body, tributary stream, or wetland, or on the subject or adjacent properties and resources than the existing use.

In determining that no greater adverse impact will occur, the Planning Board shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, flood plain management, archaeological and historic resources, and commercial fishing and maritime activities, and other functionally water-dependent uses.

D. Nonconforming Uses

1. Expansions. Expansions of non-conforming uses are prohibited, except those non-conforming residential uses may, after obtaining a permit from the Planning Board, be expanded within existing residential structures or within expansions of such structures as allowed in Section 12(C)(1).

2. Resumption Prohibited. A lot, building or structure in or on which a nonconforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a nonconforming use except that the Planning Board may, for good cause shown by the applicant, grant up to a one-year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five (5) year period.

3. Change of Uses. An existing nonconforming use may be changed to another nonconforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources than the former use, as determined by the Planning Board. The determination of no greater adverse impact shall be made according to criteria listed in Section 12(C)(5).

E. Nonconforming Lots (for the purpose of this section the effective date is January 1, 1989)

1. Nonconforming Lots. A nonconforming lot of record as of the effective date of this Ordinance or amendment thereto may be built upon, without the need for a variance, provided that such lot is in separate ownership and not contiguous with any other lot in the same ownership, and that all provisions of this Ordinance except lot area, lot width, and shore frontage can be met. Variances relating to setback or other requirements not involving lot area, lot width, or shore frontage shall be obtained by action of the Board of Appeals.

2. Contiguous Built Lots. If two or more contiguous lots or parcels are in a single or joint ownership of record at the time of adoption of this Ordinance, if all or part of the lots do not meet the dimensional requirements of this Ordinance, and if a principal use or structure exists on each lot, the non-conforming lots may be conveyed separately or together, provided that the State Minimum Lot Size Law (12 M.R.S.A. sections 4807-A through 4807-D) and the *State of Maine Subsurface Wastewater Disposal Rules* are complied with.

If two or more principal uses or structures existed on a single lot of record on the effective date of this Ordinance, each may be sold on a separate lot provided that existing sewage disposal systems are functioning properly and providing the applicant for such a division demonstrates that sufficient suitable land is available on all lots to be created for replacement sewage disposal systems should be required as a result of future-malfunctioning.

3. This provision recognizes that Phippsburg has numerous clusters of rental cottages located on marginal soils, which in common ownership may have land available for replacement sewage disposal systems, but which broken up into separate lots may not have land available to replace malfunctioning sewage systems. When such lots are divided each lot thus created must be as conforming as possible to the dimensional requirements of this Ordinance, consistent with the need to assure land for replacement sewage disposal systems.

4. Contiguous Lots - Vacant or Partially Built. If two or more contiguous lots or parcels are in single or joint ownership of record at the time of or since adoption or amendment of this Ordinance, if any of these lots do not individually meet the dimensional requirements of this Ordinance or subsequent amendments, and if one or more of the lots are vacant or contain no principal structure the lots shall be combined to the extent necessary to meet the dimensional requirements.

This provision shall not apply to two (2) or more contiguous lots, at least one (1) of which is nonconforming, owned by the same person or persons on the effective date of this Ordinance and recorded in the registry of deeds if the lot can accommodate a subsurface sewage disposal system in conformance with the *State of Maine Subsurface Wastewater Disposal Rules*; and

a. Each lot contains at least one hundred (100) feet of shore frontage and at least twenty thousand (20,000) square feet of lot area; or

b. Any lots that do not meet the frontage and lot size requirements of Section 12(E)(3)(a) are reconfigured or combined so that each new lot contains at least one hundred (100) feet of shore frontage and twenty thousand (20,000) square feet of lot area.

Section 13. Establishment of Districts

A. Resource Protection District

1. The Resource Protection District includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas when they occur within the limits of the shoreland zone, exclusive of the Stream Protection District, except those areas which are currently developed and areas which meet the criteria for the Village District or General Development District need not be included within the Resource Protection District. Areas encompassed within the Resource Protection District shall be the actual areas of flood plain, hydric soils, wetlands, natural sites, important wildlife habitat, etc. and no additional buffer zones are imposed.

2. Flood plains along rivers and flood plains along artificially formed great ponds along rivers, defined by the one hundred (100) year flood plain as designated on the Federal Emergency Management Agency (FEMA) *Flood Insurance Rate Maps* or *Flood Hazard Boundary Maps*, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils. This district shall also include one hundred (100) year flood plains adjacent to tidal waters as shown on FEMA's *Flood Insurance Rate Maps* or *Flood Hazard Boundary Maps*.

3. Areas of two or more contiguous acres with sustained slopes of twenty (20) % or greater.

4. Areas of two (2) or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater or coastal wetland as defined, and which are not surficially connected to a water body during the period of normal spring high water.

NOTE: *These areas usually consist of forested wetlands abutting water bodies and non-forested wetlands.*

5. Land areas along rivers subject to severe bank erosion, undercutting, or riverbed movement, and lands adjacent to tidal waters which are subject to severe erosion or mass movement, such as steep coastal bluffs.

B. Residential District - The Residential District includes those areas suitable for residential and recreational development.

C. Village District - The Village District includes areas of light commercial and residential uses. This district includes areas of two or more contiguous acres in size devoted to a mix of residential, low intensity business and commercial uses, including but not limited to, commercial fisheries, maritime activities, and commercial functionally water dependent uses. Industrial uses are prohibited excluding the packaging and processing of shellfish, finfish, and other marine products.

D. General Development District

1. The General Development District includes the following types of areas:

a. Areas of two or more contiguous acres devoted to commercial, industrial, or intensive recreational activities, or a mix of such activities, including but not limited to the following:

i. Areas devoted to manufacturing, fabricating, or other industrial activities.

ii. Areas devoted to wholesaling, warehousing, retail trade and service activities, or other commercial activities; and

iii. Areas devoted to intensive recreational development and activities, such as, but not limited to amusement parks, racetracks, and fairgrounds.

b. Areas otherwise discernible as having patterns of intensive commercial, industrial, or recreational uses. Portions of the General Development District may also include residential development. However, no area shall be designated as a General Development District based solely on residential use. In areas adjacent to great ponds, the designation of an area as a General Development District shall be based upon uses existing at the time of adoption of this Ordinance. There shall be no newly established General Development Districts or expansions in area of existing General Development Districts adjacent to great ponds.

E. Stream Protection District - The Stream Protection District includes all land areas within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream, exclusive of those areas within two-hundred and fifty (250) feet, horizontal distance, of the normal high-water horizontal distance, of the upland edge of a freshwater or coastal wetland. Where a stream and its associated shoreland area are located within two-hundred and fifty (250) feet, horizontal distance, of the above water bodies or wetlands, that land area shall be regulated under the terms of the shoreland district associated with that water body or wetland.

Section 14. Table of Land Uses

1. All land use activities, as indicated in Table 1, shall conform with all of the applicable land use standards in Section 15. The district designation for a particular site shall be determined from the official Shoreland Zoning Map. If a conflict exists between the table and the rest of the Ordinance, the Ordinance language shall govern. Notwithstanding the provisions of the table or other provisions of this Ordinance, land that was cleared or mowed for agriculture, lawns, trails, foot paths, or similar low impact land uses at least once in the past five years may continue to be mowed or cleared at the same interval as in the past or as needed for such activities to continue.

2. **Photographic Record Required.** An application for any type of development within the shoreland zone shall contain preconstruction photographs of the shoreline vegetation and the development site. The applicant is also required to provide post-construction photographs of those same areas to the permitting authority no later than twenty (20) days after completion of the development.

Table 1. Land Uses in the Shoreland Zone

Key to Table 1:

Yes* - No permit required; however, the use must comply with all applicable Town, State, and Federal Land Use Rules and Regulations.
No - Prohibited
PB - Allowed with permit issued by Planning Board
CEO - Allowed with permit issued by Codes Enforcement Officer

SP - Stream Protection
RP - Resource Protection
R - Residential
GD - General Development
V - Village

	SP	RP	R	GD	V
1. Non-intensive recreational uses not requiring structures such as hunting, fishing and hiking	yes*	yes*	yes*	yes*	yes*
2. Motorized vehicular traffic on existing roads and trails	yes*	yes*	yes*	yes*	yes*
3. Reserved					
4. Reserved					
5. Clearing or removal of vegetation for activities other than timber harvesting	CEO 1	CEO 1	yes* 1	yes *1	yes* 1
6. Fire prevention activities	yes*	yes*	yes*	yes*	yes*
7. Wildlife management practices	yes*	yes*	yes*	yes*	yes*
8. Soil and water conservation practices	yes*	yes*	yes*	yes*	yes*
9. Mineral exploration	no	yes* 2	yes* 2	yes* 2	yes* 2
10. Mineral extraction including sand and gravel extraction	no	PB	PB	PB	PB
11. Surveying and resource analysis	yes*	yes*	yes*	yes*	yes*
12. Emergency operations	yes*	yes*	yes*	yes*	yes*
13. Agriculture	PB	PB	yes*	yes*	yes*
14. Aquaculture	PB	PB	PB	PB	PB
15. Principal structures and uses:					
a. One and two family residential	no	PB 8	CEO	PB 8	PB
b. Multi-unit residential	no	no	PB	PB	PB
c. Commercial	no	PB 5	PB	PB	PB
d. Industrial	no	no	no	PB	no
e. Governmental and institutional	no	PB 5	PB	PB	PB 5
f. Small non-residential facilities for educational or scientific purposes	PB	PB	PB	PB	PB
16. Structures accessory to allowed uses	PB 4	PB 4	CEO	PB	PB
17. Piers, docks, wharfs, bridges and other structures and uses extending over or below the normal high-water line or within a wetland	PB 10	PB 10	PB 10	PB 10	PB 10
18. Conversion of seasonal residences to year-round	PB 11	PB 11	PB 11	PB 11	PB 11
19. Home occupations	PB 12	PB 12	PB 12	PB 12	PB 12
20. Private sewage disposal systems for allowed uses	LPI	LPI	LPI	LPI	LPI
21. Essential Services:					
a. Roadside distribution lines (34.5kV and lower)	CEO 6	CEO 6	yes* 9	yes* 9	yes* 9
b. Non-roadside or cross-country distribution lines involving ten poles or less in the Shoreland Zone	PB 6	PB 6	CEO	CEO	CEO
c. Non-roadside or cross-country distribution lines involving eleven poles or more in the Shoreland Zone	PB 6	PB 6	PB	PB	PB
d. Other essential services	PB 6	PB 6	PB	PB	PB

22. Service drops, as defined, to allowed uses	yes*	yes*	yes*	yes*	yes*
23. Public and private recreational areas involving minimal structural development	PB	PB	PB	PB	PB
24. Individual, private campsites	PB	PB	PB	PB	PB
25. Campgrounds	no	no	PB	PB	PB
26. Road & driveway construction	PB	no 7	PB	PB	PB
27. Reserved					
28. Parking areas	no	no	PB	PB	PB
29. Marinas	no	no	PB	PB	PB
30. Filling and earth moving of 10 cubic yards or less	CEO	CEO	yes*	yes*	yes*
31. Filling and earth moving of over 10 cubic yards	PB	PB	CEO	PB	PB
32. Signs	yes*	yes*	yes*	yes*	yes*
33. Uses similar to allowed uses	PB	PB	PB	PB	PB
34. Uses similar to allowed uses requiring a CEO permit	CEO	PB	CEO	CEO	PB
35. Uses similar to allowed uses requiring a Planning Board permit	PB	PB	PB	PB	PB

NOTES:
** Must meet all Town, State, and Federal land use rules and regulations.*
1. *Cutting and removal shall be done in accordance with Section 15.Q.*
2. *Requires permit from the CEO if more than one hundred (100) square feet of surface area, in total, is disturbed.*
3*. Not allowed in RP areas so designated because of wildlife value.*
4*. A variance is required from the Board of Appeals.*
5. *Only functionally water-dependent uses and uses accessory to such water-dependent uses.*
6. *See Section 15.M.*
7. *See Section 15.I*
8. *See Section 17.E Special Exceptions. Two-family residential structures are prohibited.*
9. *Permit not required but must file a written "notice of intent to construct" with CEO.*
10. *Permit shall be issued only after written non-objection from the Harbor Master.*
11. *Requires approval by Licensed Plumbing Inspector (LPI) prior to Planning Board (PB) application.*
12. *Planning Board review is required to determine if the use is in compliance with Section 15(G)(2) or if a new business permit is required. Standard Planning Board fee applies.*

Section 15. Land Use Standards. All land use activities within the shoreland zone shall conform with the following provisions, as applicable.

A. Minimum Lot Standards

	Lot Area (sq. ft.)	Shore Frontage (ft.)
1. Residential per Dwelling Unit:		
a. Within the Shoreland Zone Adjacent to Tidal Areas	40,000	150
b. Within the Shoreland Zone Adjacent to Non-Tidal Areas	40,000	200

	Lot Area (sq. ft.)	Shore Frontage (ft.)
2. Commercial or Industrial per Principal Structure:		
a. Functionally Water Dependent Uses within the Shoreland Zone Adjacent to Tidal Areas in the Village District	None	None
b. Within the Shoreland Zone Adjacent to Tidal Areas	40,000	200
c. Within the Shoreland Zone Adjacent to Non-Tidal Areas	60,000	300
3. Public and Private Recreational Facilities:		
a. Within the Shoreland Adjacent to Tidal and Non-Tidal Areas	40,000	200

4. Road Frontage

a. Commercially Functionally Water Dependent Uses. Shall be exempt from minimum road frontage. Residential lots shall have a minimum of one hundred-fifty (150) feet of frontage on a public or private way. Multi-family lots shall have a minimum of two hundred (200) feet of frontage on a public or private way. This section shall not prohibit construction on lots that do not front a public or private way, providing the minimum lot size is maintained and providing that a square one hundred-fifty (150) feet on a side may be located within the boundaries of the lot.

5. Land below the normal high-water line of a water body or upland edge of a wetland and land beneath roads serving more than two (2) lots shall not be included toward calculating minimum lot area.

6. Lots located on opposite sides of a public or private road shall be considered each a separate tract or parcel of land unless such road was established by the owner of land on both sides thereof after September 22, 1971.

7. The minimum width of any portion of any lot within one hundred (100) feet, horizontal distance, of the normal high-water line of a water body or upland edge of a wetland shall be equal to or greater than the shore frontage requirement for a lot with the proposed use.

8. If more than one residential dwelling unit, governmental, institutional, commercial, or industrial structure or use, or combination thereof, is constructed or established on a single parcel, all dimensional requirements shall be met for each additional dwelling unit, principal structure, or use.

9. Cluster housing within the shoreland zone is allowed provided that the overall dimensional requirements, including frontage and lot area per dwelling unit, are met. When determining whether dimensional requirements are met, only land area within the shoreland zone shall be considered.

B. Principal and Accessory Structures

1. All new principal and accessory structures shall be set back at least one hundred (100) feet, horizontal distance, from the normal high-water line of great ponds and rivers that flow to great ponds and at least seventy-five (75) feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, except that in the General Development District the setback from the normal high-water line shall be at least twenty-five (25) feet, horizontal distance, and in the Village District the setback from the normal high-water line shall be at least fifty (50) feet, horizontal distance and on Tax Map 42, Lot 38 the setback from the normal high-water line shall be at least seventy-nine (79) feet, horizontal distance.

However, for Commercially Functionally Water-Dependent uses there shall be no minimum setback within the Village District. In the Resource Protection District the setback requirement shall be two hundred fifty (250) feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified above shall apply.

***NOTE**: The Natural Resources Protection Act, 38 M.S.R.A. Sections 480-A through 480-HH, requires the Department of Environmental Protection to designate areas of "significant wildlife habitat".*

Permitting under the Natural Resources Protection Act for activities adjacent to significant wildlife habitat areas may require greater setbacks. Contact your local Department of Environmental Protection office to see if additional permitting is required.

In addition:

a. The water body, tributary stream, or wetland setback provision shall neither apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers, docks, and retaining walls, nor to other functionally water-dependent uses.

b. The Planning Board may increase the required setback of a proposed structure as a condition of permit approval if necessary to accomplish the purposes of this Ordinance in cases where a greater setback may be appropriate. These include, but are not limited to unmapped wetlands; areas of steep slope; shallow or erodible soils; or where an adequate vegetative buffer does not exist.

c. For principal structures, water and wetland setback measurements shall be taken from the top of a coastal bluff that has been identified on Coastal Bluff maps as being "highly unstable" or "unstable" by the Maine Geological Survey pursuant to its "Classification of Coastal Bluffs" and published on the most recent Coastal Bluff map. If the applicant and the permitting official(s) are in disagreement as to the specific location of a "highly unstable" or "unstable" bluff, or where the top of the bluff is located, the applicant may at his or her expense, employ a Maine Registered Professional Engineer, a Maine Certified Soil Scientist, a Maine State Geologist, or other qualified individual to make a determination. If agreement is still not reached, the applicant may appeal the matter to the Board of Appeals.

d. On a non-conforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the Codes Enforcement Officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed eighty (80) square feet in area nor eight (8) feet in height and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.

e. Setbacks for public and private roads shall be as follows:

i. Seventy-five (75) feet from the center of the traveled way: along Route 209 (Main Road) starting at the Town Line at Winnegance to the Main Entrance of the State Park; from beginning of Route 216 (Small Point Road) to the Club Road; from the beginning of Sebasco Road to the culvert at the north end of Wat-tuh Lake; from the beginning of the West Point Road to Holland Drive.

ii. Fifty (50) feet from the center of the traveled way for all other publicly maintained roads.

iii. Ten (10) feet from the edge of the traveled way for privately maintained roads, but in no case less than twenty (20) feet from a property line

iv. All new or relocated structures shall be set back from an abutting boundary line by a minimum of twenty (20) feet.

2. Principal or accessory structures and expansions of existing structures which are permitted in the Resource Protection, Residential, Village, and Stream Protection Districts, shall not exceed thirty-five (35) feet in height: the vertical distance between the mean original (prior to construction) grade at the downhill side of the structure and the highest point of the structure. This provision shall not apply to structures such as transmission towers, windmills, antennas, chimneys, steeples, and similar structures having no floor area.

3. The lowest floor elevation or openings of all buildings and structures, including basements, shall be elevated at least one foot above the elevation of the 100-year flood, the flood of record, or in the absence of these, the flood as defined by soil types identified as recent flood plain soils.

a. With the exception of the General Development District and Commercially Functionally Water Dependent use within the Village District located adjacent to coastal wetlands or rivers that do not flow into great ponds, non-vegetated surfaces shall not exceed a total of twenty (20) percent of the portion of the lot located within the shoreland zone.

b. This limitation does not apply to public boat launching facilities ("town landings") regardless of the district in which the facility is located.

c. In the General Development District and Commercially Functional Water Dependent use within the Village District located adjacent to coastal wetlands or rivers that do not flow into great ponds, non-vegetated surfaces shall not exceed a total of seventy (70) percent of the portion of the lot located within the shoreland zone.

d. For the purposes of calculating lot coverage, non-vegetated surfaces include, but are not limited to the following: structures, driveways, parking areas, and other areas from which vegetation has been removed. Naturally occurring ledge and rock outcroppings are not counted as non-vegetated surfaces when calculating lot coverage for lots of record on March 24, 1990, and in continuous existence since that date.

5. Retaining Walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:

a. The site has been previously altered and an effective vegetated buffer does not exist;

b. The wall(s) is (are) at least twenty-five (25) feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;

c. The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;

d. The total height of the wall(s), in the aggregate, are no more than twenty-four (24) inches;

e. Retaining walls are located outside of the one hundred (100) year flood plain on rivers, streams, coastal wetlands, and tributary streams, as designated on the *Federal Emergency Management Agency* (FEMA) *Flood Insurance Rate Maps* or *Flood Hazard Boundary Maps*, or the flood of record, or in the absence of these, by soil types identified as recent flood plain soils;

f. The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks;

g. A vegetated buffer area is established within twenty-five (25) feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:

i. The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking, the area must be supplemented with leaf or bark mulch;

ii. Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of storm water runoff;

iii. Only native species may be used to establish the buffer area;

iv. A minimum buffer width of fifteen (15) feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland;

v. A footpath not to exceed the standards in Section 15(Q)(2)(a), may traverse the buffer.

NOTE: *If the wall and associated soil disturbance occurs within (75) feet, horizontal distance, of a water body, tributary stream or coastal wetland, a permit pursuant to the Natural Resource Protection Act is required from the Department of Environmental Protection.*

6. Seawalls necessary for erosion control purposes may be built to protect land and structures from coastal waves and storm surges, acting as a barrier preventing water areas from overtopping and flooding inland areas.

7. Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the Codes Enforcement Officer, to provide shoreline access in areas of steep slopes or unstable soils provided: that the structure is limited to a maximum of four (4) feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental Protection pursuant to the *Natural*

Resources Protection Act, 38 M.R.S.A., section 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

8. Erosion Control measures sufficient to avoid significant water pollution from erosion are required for any activity within the Shoreland Zone that results in disturbance of the soil.

9. All additions, expansions, new construction or construction of accessory structures and repairs thereto, must apply for a permit when the value of the work exceeds $1,000.00.

C. Temporary Residential Uses

1. A mobile home or recreational vehicle that otherwise meets the standards of this Ordinance, with an occupancy permit, may be located on a lot for up to twenty-four (24) months to provide temporary housing during the construction of a new home that is being constructed wholly or in part by the owner of the land. Upon completion of the house or within twenty-four (24) months, whichever is less, the occupancy permit for the temporary housing shall expire and any mobile home shall be removed.

2. Friends and relatives may visit Phippsburg residents and locate recreational vehicles or tent sites on a lot with a permanent residential structure for up to seven consecutive days without a permit. After seven days, the Codes Enforcement Officer may issue up to two (2) seasonal permits, at any given time, for up to a total of one hundred and twenty (120) days per calendar year, to the property owner of the lot where the recreational vehicle or tent site is located. These provisions do not apply to any commercial or rental purposes.

NOTE: *For a seasonal permit to be issued, the existing dwelling must meet the standards of the State Plumbing Code. All temporary occupants must use the sanitary facilities in the existing dwelling unless the unit has a self-contained sanitary system. Wastes from recreational vehicles shall not be connected to the septic system of the dwelling being visited, without the Licensed Plumbing Inspectors approval.*

3. The Codes Enforcement Officer may issue up to two (2) seasonal permits, at any given time, for recreational vehicles to be located on a vacant lot for temporary non-commercial use for up to a total of one hundred and twenty (120) days per calendar year. A seasonal permit must be issued to the property owner of the lot where the recreational vehicle is located. The applicant must provide a written sewage disposal plan. The applicant must also produce written authorization from any proposed dumping station.

4. No permanent foundation, except for gravel pads, shall be permitted and no permanent structure, except canopies, shall be attached to any temporary dwelling.

5. Temporary residential uses must meet all applicable shoreland zoning requirements.

D. Piers, Docks, Wharfs, Bridges and Other Structures and Uses Extending Over or Below the Normal High-Water Line of a Water Body or Within a Wetland, and Shoreline Stabilization

1. No more than one pier, dock, wharf, or similar structure extending or located below the normal high-water line of a water body or within a wetland is allowed on a single lot; except that when a single lot contains at least twice the minimum shore frontage as specified in Section15(A), a second structure may be allowed and may remain as long as the lot is not further divided.

2. Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.

3. The location shall not interfere with existing developed or natural beach areas.

4. The facility shall be located so as to minimize adverse effects of fisheries.

5. The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A temporary pier, dock, or wharf in non-tidal waters shall not be wider than six (6) feet for non-commercial uses.

6. No new structure shall be built on, over, or abutting a pier, wharf, dock, or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water as an operational necessity.
***NOTE**: A structure constructed on a float or floats is prohibited unless it is designed to function as and is registered with the Maine Department of Inland Fisheries and Wildlife as a watercraft.*

7. New permanent piers and docks on non-tidal waters shall not be permitted unless it is clearly demonstrated to the Planning Board that a temporary pier or dock is not feasible, and a permit has been obtained from the Department of Environmental Protection, pursuant to the *Natural Resources Protection Act.*

8. No existing structures built on, over, or abutting a pier, dock, wharf, or other structure extending beyond the normal high-water line of a water body or within a wetland shall, be converted to residential dwelling units in any district.

9. Except in the General Development Districts and Commercially Functionally Water Dependent Uses within the Village Districts, structures built on, over, or abutting a pier, wharf, dock, or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed twenty (20) feet in height above the pier, wharf, dock, or other structure.

10. Notwithstanding any other provisions of this ordinance a bridge may be constructed over a stream or wetland if a bridge is the only practical way to reach other property in the same ownership, providing that the bridge is constructed so as to minimize its impact on the stream or wetland, and providing that the owner has all required state permits.

11. Vegetation may be removed in excess of the standards in Section 15(P) of this Ordinance in order to conduct shoreline stabilization of an eroding shoreline, provided that a permit is obtained from the Planning Board. Construction equipment must access the shoreline by barge when feasible as determined by the Planning Board.

a. When necessary, the removal of trees and other vegetation to allow for construction equipment access to the stabilization site via land must be limited to no more than twelve (12) feet in width. When the stabilization project is complete the construction equipment accessway must be restored.

b. Revegetation must occur in accordance with Section 15(S).

NOTE: *New Permanent structures, and expansions thereof, projecting into or over water bodies shall require a permit from the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A., Section 480-C. Permits may also be required from the Army Corps of Engineers if located in navigable waters.*

E. Campgrounds. Campgrounds shall conform to the minimum requirements imposed under State licensing procedures and the following:

1. Campgrounds shall contain a minimum of five thousand (5,000) square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.

2. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back in accord with the Town of Phippsburg Shoreland Zone Map and all other required setbacks.

3. Recreational vehicles shall not be located on any type of a permanent foundation except for a gravel pad, and no structure(s) except canopies shall be attached to the recreational vehicle.

F. Individual Private Campsites. Individual, private campsites not associated with campgrounds are permitted provided the following conditions are met:

1. One campsite per lot existing on the effective date of this Ordinance, or forty thousand (40,000) square feet of lot area within the shoreland zone, whichever is less, may be permitted.

2. The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back in accord with the Town of Phippsburg Shoreland Zone Map and all other required setbacks.

3. Only one recreational vehicle shall be allowed on a campsite. The recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.

4. The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a Resource Protection District shall be limited to one thousand (1,000) square feet.

5. A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the Local Plumbing Inspector. Where disposal is off-site, written authorization from the receiving facility or landowner is required.

6. When a recreational vehicle, tent or similar shelter is placed on-site for more than one hundred and twenty (120) days per calendar year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

G. Business Uses

1. New Business Permit

a. A new business shall not begin operation, unless exempted under G.2, without first obtaining a permit. A change of ownership/management of an existing business, without any change shall, require a review within ninety (90) days by the Planning Board for a Transfer of Permit. Any cessation of use exceeding two (2) years, expansion, or change of use of an existing business shall be considered a new business for the purposes of this Ordinance and shall require a New Business Permit. The Town shall provide application forms.

b. No New Business Permit shall be issued until a public hearing has been held, notices of which shall be posted in two (2) public places and published in a newspaper with general circulation in the Town at least seven (7) days and not more than fourteen (14) days prior to the hearing.

c. Applicant shall notify abutters of the proposed business plan. Proof of such notice shall be presented with the application at the public hearing. Acceptable proof shall consist of an abutter's signature on the application form, an abutter's statement and signature on a separate document, or a certified mail return receipt showing either a signature or post office failure to deliver to the abutter's last known address.

d. New business hearings shall be held by the Planning Board. A quorum shall be any three (3) members of the Planning Board. Those members present at the hearing shall, by a majority vote, approve, approve with conditions, or deny all applications for a new business. Members shall render their decisions in writing, specifying the reasons for denial or imposition of conditions.

e. If a permit is granted, such permit shall be posted at the place of business and visible to the public.

f. A new business permit shall become void one (1) year after issuance if the business is not operational. The Planning Board may grant up to a one (1) year extension.

g. Applicant shall pay a one hundred seventy-five dollar ($175.00) New Business Permit fee plus an amount as determined by the Planning Board to defray the cost of advertising the Public Hearing. The standard one-hundred-dollar ($100.00) Planning Board fee shall apply to a Transfer of Business Permit.

h. A Site Walk fee shall be one hundred dollars ($100.00) plus an amount as determined by the Planning Board to defray the cost of advertising.

i. Should the Planning Board determine the need for hiring independent consulting services, such assistance shall be at the expense of the applicant.

2. Home Business. Home business applicants need not obtain a New Business Permit but shall seek Planning Board determination that the proposed home business qualifies per this Section, including reasonable and safe access and egress, as well as parking requirements. Standard Planning Board fee of one hundred dollars ($100.00) shall apply. Should a Site Walk be required, an additional one hundred dollars ($100.00) Site Walk fee shall apply plus an amount as determined by the Planning Board to defray the cost of advertising.

a. No unreasonable nuisance, traffic congestion, waste discharge, offensive noise, vibration, smoke, dust, odors, heat, glare, or radiation shall be generated.

b. Signs shall be restricted to one on-premise totaling not more than eight (8) square feet.

c. Home businesses shall be carried on wholly within the principal building or other structure accessory to it, or on the grounds of the property in a manner such that impact on neighbors is minimal. The business shall be clearly secondary to the use of the dwelling unit for residential purposes.

d. Not more than two (2) persons other than family members residing in the home shall be employed in a home business.

e. Home businesses may not expand beyond the limits imposed by this section without fulfilling all the requirements of this Ordinance and obtaining a permit under G.1.

f. The following are examples of a home business:

i. Sale of home-grown vegetables and plants, crafts made in the home, antiques, and other traditional home business activities that have no significant impact on the character of a residential neighborhood.

ii. Service businesses such as plumbing, carpentry, and home maintenance services in which at least seventy-five (75) percent of the activities take place on the premises of the customer.

iii. Home beauty and barbershops.

iv. Home mechanic shop.

v. Sale of fish or other marine products harvested/landed by the home business owner(s).

vi. Wharves and piers, storage buildings, and the outdoor storage of boats, traps, nets, and other gear used in the commercial harvesting of marine products.

vii. Use of a residence to provide accounting, insurance, or tax return services, or similar activity.

viii. Incidental use of a home as an office for municipal business activities.

ix. Yard or garage sales, limited to four (4) per year. The duration of each sale shall not exceed three (3) consecutive days.

x. A Bed and Breakfast establishment with not more than two (2) rental rooms may serve breakfast to overnight guests only. No meals shall be served after 11:30 a.m. Such establishments shall meet State requirements and Local Plumbing Inspector approval that the wastewater system is adequate.

xi. Businesses that the Planning Board may determine are substantially similar to the above.

g. Applicant shall notify abutters of the proposed business plan. Proof of such notice shall be presented with the application. Acceptable proof of such notice shall consist of the abutter's signature on the application form, an abutter's statement and signature on a separate document; or a certified mail return receipt showing either a signature or post office failure to deliver to the abutter's last known address.

3. Buffer Zones. No business shall be established, except as permitted by the Planning Board under the provisions of G.3 or exempted in G.2, unless the following buffer zones are provided between the business, including any accessory buildings, parking lots, and adjacent residential lot lines:

a. Commercial and other non-residential buildings or other commercial or industrial activities shall have a minimum side and rear yard distance of at least one hundred (100) feet from residential lot lines.

b. Notwithstanding the above, restaurants with musical entertainment, bars, dance halls, clubs offering musical entertainment, motels, trailer parks, mobile home parks, campgrounds, kennels and boarding kennels, industrial uses, and shopping centers shall have a minimum rear and side yard distance of at least one hundred fifty (150) feet from the nearest residential lot line.

c. The Planning Board may approve substitute buffer zones providing the purpose of this Ordinance are maintained. Substitute buffer zones may be approved when the topography of the land, the nature of the vegetation, or building(s) provides screening that is equal in protection to the required width of buffer zones. Substitute buffer zones may also be approved when the character of a neighborhood is predominantly commercial.

d. The Planning Board shall approve, deny, or approve with conditions all applications for substitute buffer zones. The applicant shall have the burden of demonstrating that the topography of the land, the nature of the vegetation, or building(s) provides screening that is equal in protection to the required width of the buffer zone, or that the character of the neighborhood is predominantly commercial. Substitute buffer zones shall not be considered a variance.

4. Standards for Commercial and Industrial Uses

a. The applicant shall have the burden of demonstrating that the proposed business shall be located and designed so as to prevent unreasonable nuisance to nearby properties, parking on adjacent public roads, danger to children, unsanitary waste disposal, noise, vibration, smoke, fumes, dust, noxious odors, heat, glare, or radiation that exceeds conditions previously detectable at the lot boundaries of other properties in the general area.

b. New businesses shall also demonstrate that they meet the following standards and requirements:

i. The natural landscape shall be preserved insofar as practical by minimizing tree removal and retaining existing vegetation. Where practical, new landscaping may be required that will define, soften, or screen the appearance of the business from adjacent public ways or nearby residential areas, except that establishments catering to the general public need not be screened from public roads.

ii. New businesses shall provide safe access to and egress from roads used by the public without causing traffic congestion.

iii. Surface waters shall be drained so as not to damage adjacent lands.

iv. Exposed storage areas, exposed machinery, and utility buildings shall have sufficient setbacks and screening to provide a visual buffer sufficient to prevent unreasonable adverse impact on other land uses in the area.

v. Evidence shall be provided that sufficient water is available for the proposed use and that adequate water for existing users shall not be diminished.

vi. New businesses shall provide sanitary facilities sufficient for its employees and, where appropriate, customer facilities may be required.

vii. Junkyards and automobile graveyards as defined by State Law (currently, Title 30, M.R.S.A., Section 3752) shall not locate within six hundred (600) feet of any public way or adjacent residential property line unless the Planning Board finds that screening and forest vegetation permits lesser buffers without adversely affecting adjacent properties, but no junkyard shall be located that is less than one hundred (100) feet from the nearest public road, right of way, or adjacent property lines. In no instance shall a junkyard or automobile graveyard be located so that discarded vehicles or other wastes are visible from public ways or adjacent properties.

c. The following new commercial and industrial uses are prohibited within the shoreland zone adjacent to great ponds classified GPA, and rivers and streams which flow to great ponds classified GPA:

NOTE: *There are no GPA identified great ponds in the Town of Phippsburg.*

i. Auto washing facilities

ii. Auto or other vehicle service and/or repair operations, including body shops

iii. Chemical and bacteriological laboratories

iv. Storage of chemicals, including herbicides, pesticides, or fertilizers, other than amounts normally associated with individual households or far

v. Commercial painting, wood preserving, and furniture stripping

vi. Dry cleaning establishments

vii. Electronic circuit assembly

viii. Laundromats, unless connected to a sanitary sewer

ix. Metal plating, finishing, or polishing

x. Petroleum, petroleum product storage, and sale, except storage on same property as use occurs and except for storage and sales associated with Commercially Functionally Water Dependent Uses

xi. Photographic processing

xii. Printing

H. Parking Areas/Facilities

1. Parking areas/facilities shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located, except that in the Village District parking areas/facilities shall be set back at least twenty-five (25) feet, horizontal distance, from the shoreline. The setback requirement for parking areas/facilities serving public boat launching facilities, in Districts other than the General Development I District, and Village Districts shall be no less than fifty (50) feet, horizontal distance, from the shoreline or tributary stream if the Planning Board finds that no other reasonable alternative exists further from the shoreline or tributary stream. There shall be no such minimum setback requirement(s) for any parking areas which are part of any Town owned landing ("town landing") existing as of May 4, 2010, having an area of .25 acres (1/4 acre) or less, particularly those with functionally water-dependent use, subject to the approval of the Planning Board on a case-by-case basis.

2. Parking areas/facilities shall be adequately sized for the proposed use and shall be designed to prevent storm water runoff from flowing directly into a water body, tributary stream, or wetland and where feasible, to retain all runoff on-site.

3. In determining the appropriate size of proposed parking areas/facilities, the following shall apply:

a. Typical parking space: Minimum ten (10) feet wide and twenty (20) feet long, except that parking spaces for a vehicle and boat trailer shall be forty (40) feet long.

b. Internal travel aisles: Minimum twenty (20) feet wide.

I. Roads and Driveways: The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts, and other related features:

1. Roads and driveways shall be set back at least one hundred (100) feet, horizontal distance, from the normal high-water line of a great pond classified GPA or a river that flows to a great pond classified GPA, and seventy-five (75) feet, horizontal distance from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the road and/or driveway setback requirement shall be no less than fifty (50) feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland.

a. On slopes of greater than twenty (20) percent the road and/or driveway setback shall be increased by ten (10) feet, horizontal distance, for each five (5) percent increase in slope above twenty (20) percent.

b. Section 15(I)(1) does not apply to approaches to water crossings nor to roads or driveways that provide access to permitted structures and facilities located nearer to the shoreline or tributary stream due to a Commercially Functionally Water Dependent Use necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of Section 15(I)(1) except for that portion of the road or driveway necessary for direct access to the structure.

c. Driveways shall have an eight (8) foot setback from any adjacent property line, except in the case of an easement or right-of-way. A driveway is not a structure.

2. Existing public roads may be expanded within the legal road right of way regardless of their setback from a water body, tributary stream, or wetland.

3. New roads and driveways are prohibited in a Resource Protection District except that the Planning Board may grant a permit to construct a road or driveway to provide access to permitted uses and legally existing non-conforming uses within the District, if the Applicant can clearly demonstrate that:

a. No reasonable alternative route or location is available outside the Resource Protection area;

b. The proposed road or driveway is set back as far as practicable from the normal high-water line of the water body, tributary stream, or upland edge of a wetland; and

c. The proposed road or driveway is located and designed to minimize any adverse environmental impact to the protected resource.

4. Road and driveway banks shall be no steeper than a slope of two (2) horizontal to one (1) vertical and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in Section 15(R).

5. Road and driveway grades shall be no greater than ten (10) percent except for segments of less than two hundred (200) feet.

6. In order to prevent road and driveway surface drainage from directly entering water bodies, tributary streams, or wetlands, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least fifty (50) feet plus two (2) times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.

7. Ditch relief (cross drainage) culverts, drainage dips, and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:

a. Ditch relief culverts, drainage dips, and associated water turnouts shall be spaced along the road or driveway at intervals no greater than indicated in the following table:

Grade (Percent)	**Spacing (Feet)**
0 – 2	250
3 – 5	200 – 135
6 – 10	100 – 80
11 – 15	80 – 60
16 – 20	60 – 45
21 +	40

b. Drainage dips may be used in place of ditch relief culverts only where the grade is ten (10) percent or less.

c. On sections having slopes greater than ten (10) percent, ditch relief culverts shall be placed at approximately a thirty (30) degree angle down slope from a line perpendicular to the centerline of the road or driveway.

d. Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.

e. Driveway culverts at curb cuts and public ways shall have a minimum internal diameter of fifteen (15) inches, a minimum length of twenty (20) feet, an armored embankment around the inlet end constructed of six (6) inch minus stone and an armored erosion control basin with an armored embankment at the outlet end constructed of six (6) inch minus stone. The installation shall comply with the current State of Maine Storm Water Control Regulations.

8. Ditches, culverts, bridges, dips, water turnouts, and other storm water runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.

J. Signs

1. General

a. A two-sided sign is one sign for the purpose of this section.

b. Moving, animated, or mobile chassis mounted signs are prohibited. Signs may be illuminated only by shielded non-flashing lights.

c. No free-standing or projecting sign shall extend higher than twenty (20) feet above the ground.

d. No sign shall be located within five (5) feet of a road or other lot line.

e. One flag, for commercial or home business purposes is allowed. The flag shall not exceed fifteen (15) square feet.

f. State Department of Transportation off-premise directional signs are allowed. All other signs which announce, advertise, or name any service or product not available, sold, or manufactured on the premises are prohibited.

g. The Town has the authority to remove any signs not meeting the requirements of Section J.

2. Commercial Signs

a. Free-standing signs: One free standing sign per business is allowed. The sign shall not exceed twenty-five (25) square feet.

b. Projecting Signs: One projecting sign per business is allowed. The sign shall not exceed twenty-five (25) square feet.

c. Signs on Buildings: Signs shall be limited to the aggregate of one (1) square foot for each linear foot of roadside length of the principal structure on the premises. Signs on the building shall not extend beyond the height of the building.

d. A business shall have no more than two (2) of the above three (3) types of signs (that is a, b, or c above) and the aggregate shall not exceed fifty (50) square feet.

e. For the benefit of boaters, one additional sign facing the water is allowed. This sign may be placed at or near the water and shall not exceed fifty (50) square feet.

3. Home Business Signs

a. Home businesses may display one sign relating to goods or services rendered on the premises. The sign shall not exceed eight (8) square feet.

4. Name Signs

a. Non-commercial name signs shall be allowed, provided such signs, in the aggregate, shall not exceed eight (8) square feet and providing that not more than two (2) such signs shall be located on the premises.

5. Temporary Signs

a. Two (2) real estate signs, each not exceeding four (4) square feet are allowed on the property being sold, leased, or developed. One directional sign, not exceeding four (4) square feet leading to the property is allowed. A waterfront lot may have one (1) additional sign facing the water, at or near the water.

b. A construction sign not exceeding thirty-two (32) square feet shall be allowed on the premises.

c. Political campaign signs not exceeding thirty-two (32) square feet shall be allowed.

d. All temporary signs shall be removed within seven (7) days after fulfilling their purpose.

6. Exemptions

a. Signs erected for public safety and welfare or pursuant to any governmental function.

b. Directional signs solely indicating entrance and exit at driveway locations, containing no advertising material, and where display area does not exceed two (2) square feet or extend higher than seven (7) feet, above ground level.

c. Signs relating to trespassing and hunting, not exceeding two (2) square feet.

d. All non-commercial or non-home business flags are allowed.

K. Storm Water Runoff

1. All new construction and development shall be designed to minimize storm water runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces, and wooded areas, shall be retained in order to reduce runoff and encourage infiltration of storm waters.

2. Storm water runoff control systems shall be maintained as necessary to ensure proper functioning.

***NOTE**: The Storm Water Management Law (38 M.R.S.A. section 420-D) requires a full permit to be obtained from the DEP prior to construction of a project consisting of twenty thousand (20,000) square feet or more of impervious area or five (5) acres or more of a developed area in an urban impaired stream watershed or most-at-risk lake watershed, or a project with one (1) acre or more of developed area in any other stream, coastal or wetland watershed. A permit-by rule is necessary for a project with one acre or more of disturbed area but less than one (1) acre impervious area twenty thousand (20,000) square feet for most-at-risk lakes and urban impaired streams) and less than five (5) acres of developed area. Furthermore, a Maine Construction General Permit is required if the construction will result in one acre or more of disturbed area.*

L. Septic Waste Disposal

All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules, and the following:

a. Clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than seventy-five (75) feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland; and

b. A holding tank is not allowed for a first-time residential use in the shoreland zone.

***NOTE**: The Maine Subsurface Wastewater Disposal Rules require new systems, excluding fill extensions, to be constructed no less than one hundred (100) horizontal feet from the normal high-water line of a perennial water body. The minimum setback distance for a new subsurface disposal system shall not be reduced by variance.*

M. Essential Services

1. Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.

2. The installation of essential services, other than road-side distribution lines, is not allowed in a Resource Protection or Stream Protection District, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where allowed, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

3. Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a permit.

4. The maximum height of any tower and its related equipment shall not exceed one hundred ninety (190) feet.

N. Mineral Exploration and Extraction

1. Mineral exploration to determine the nature or extent of mineral resources shall be accomplished by hand sampling, test boring, or other methods which create minimal disturbance of less than one hundred (100) square feet of ground surface. A permit from the Codes Enforcement Officer shall be required for mineral exploration which exceeds the above limitation. All excavations, including test pits and holes, shall be immediately capped, filled, or secured by other equally effective measures to restore disturbed areas and to protect the public health and safety.

2. Mineral extraction may be permitted under the following conditions:

a. A reclamation plan shall be filed with, and approved, by the Planning Board before a permit is granted. Such plan shall describe in detail procedures to be undertaken to fulfill the requirements of Section (2)(d) below.

b. No part of any extraction operation, including drainage and runoff control features, shall be permitted within one hundred twenty-five (125) feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within seventy-five (75) feet, horizontal distance, of the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland. Extraction operations shall not be permitted within seventy-five (75) feet, horizontal distance, of any property line, without written permission of the owner of such adjacent property.

c. Developers of new gravel pits along Significant River Segments shall demonstrate that no reasonable mining site outside the shoreland zone exists. When gravel pits must be located within the zone, they shall be set back as far as practicable from the normal high-water line and no less than seventy-five (75) feet and screened from the river by existing vegetation.

d. Within twelve (12) months following the completion of extraction operations at any extraction site, which operations shall be deemed complete when less than one hundred (100) cubic yards of materials are removed in any consecutive twelve (12) month period, ground levels and grades shall be established in accordance with the following:

i. All debris, stumps, and similar material shall be removed for disposal in an approved location or shall be buried on-site. Only materials generated on-site may be buried or covered on-site.

***NOTE**: The State of Maine Solid Waste Laws, 38- M. R. S. A. Section 1301 and the Solid Waste Management Rules, Chapters 400-419 of the Department of Environmental Protection's regulations may contain other applicable provisions regarding disposal of such materials.*

ii. The final graded slope shall be two and one-half to one (2 1/2:1) or flatter.

iii. Topsoil or loam shall be retained to cover all disturbed land areas, which shall be reseeded and stabilized with vegetation native to the area. Additional topsoil or loam shall be obtained from off-site sources if necessary to complete the stabilization project.

e. In keeping with the purposes of this Ordinance, the Planning Board may impose such conditions as are necessary to minimize the adverse impacts associated with mineral extraction operations on surrounding uses and resources.

O. Agriculture

1. All spreading of manure shall be accomplished in conformance with the Manure Utilization Guidelines published by the former Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. Sections 4201 - 4209).

2. Manure shall not be stored or stockpiled within one hundred (100) feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, or within seventy-five (75) feet, horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated storm water.

3. Within the shoreland zone, agricultural activities involving tillage of soil greater than forty thousand (40,000) square feet in surface area, shall require a Soil and Water Conservation Plan to be filed with the Planning Board. Non - conformance with the provisions of said plan shall be considered to be a violation of this Ordinance.

***NOTE:** Assistance in preparing a Conservation Plan may be available through the local Soil and Water Conservation District Office.*

4. There shall be no new tilling of soil within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance, from other water bodies and coastal wetlands; nor within twenty-five (25) feet, horizontal distance, of tributary streams, and freshwater wetlands. Operations in existence on the effective date of this Ordinance and not in conformance with this provision may be maintained.

5. Newly established livestock grazing areas shall not be permitted within one hundred (100) feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within seventy-five (75) feet, horizontal distance of other water bodies and coastal wetlands, nor within twenty-five (25) feet, horizontal distance of tributary streams, and freshwater wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions, may continue, provided that such grazing is conducted in accordance with a Conservation Plan that has been filed with the Planning Board.

NOTE: *7 M.R.S.A. Section 155 requires a municipality to provide the Commissioner of Agriculture, Conservation and Forestry with a copy of any proposed Ordinance that impacts farm operations. The law further requires the Commissioner to review the proposed Ordinance and advise the municipality if the proposed Ordinance would restrict or prohibit the use of best management practices. A copy of a Shoreland Zoning Ordinance that regulates no more restrictively than contained in these Guidelines need not be provided to the Commissioner of Agriculture, Conservation, and Forestry.*

P. Timber Harvesting

All "cutting and removal of timber for the primary purpose of selling or processing forest products" is regulated by The State of Maine Department of Conservation, Bureau of Forestry, Chapter 21, Statewide Standards for Timber Harvesting and Related Activities in the Shoreland Areas.

Q. Clearing or Removal of Vegetation for Activities Other Than Timber Harvesting

1. In a Resource Protection District abutting a great pond, there shall be no cutting of vegetation within the strip of land extending seventy-five (75) feet, horizontal distance, inland from the normal high-water line, except to remove hazard trees.

Elsewhere, in any Resource Protection District the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

2. Except in areas as described in Section Q(1) above, within a strip of land extending one hundred (100) feet, horizontal distance, inland from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, or within a strip extending seventy-five (75) feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:

a. There shall be no cleared opening greater than two hundred fifty (250) square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a single footpath not to exceed six (6) feet in width as measured between tree trunks and/or shrub stems is allowed for accessing the shoreline provided that a cleared line of sight to the water through the buffer strip is not created. Such footpath shall be designed to minimize erosion.

b. Selective cutting of trees within the buffer strip is allowed provided that a well-distributed stand of trees and other natural vegetation is maintained. For the purposes of Section 15(Q)(2)(b) a "well distributed stand of trees" adjacent to a great pond classified GPA or a river or stream flowing to a great pond classified GPA, shall be defined as maintaining a rating score of twenty-four (24) or more in each twenty-five (25) foot by fifty (50) foot rectangular (1250 square feet) area as determined by the following rating system:

Diameter of Tree at 4-1/2 feet above ground level (in inches)	**Points**
2 to less than 4	1
4 to less than 8	2
8 to less than 12	4
12 or greater	8

Adjacent to other water bodies, tributary streams, and wetlands, a “well-distributed stand of trees” is defined as maintaining a minimum rating score of sixteen (16) points per twenty-five (25) foot by fifty (50) foot rectangular area.

NOTE: *As an example, adjacent to a great pond, if a twenty-five (25) foot x fifty (50) foot plot contains four (4) trees between two (2) and four (4) inches in diameter, two trees between four (4) and eight (8) inches in diameter, three (3) trees between eight (8) and twelve (12) inches in diameter, and two (2) trees over twelve (12) inches in diameter, the rating score is:*

(4x1) + (2x2) + (3x4) + (2x8) = 36 points.

Thus, the twenty-five (25) foot by fifty (50) foot plot contains trees worth thirty-six (36) points. Trees totaling twelve (12) points (36-24 = 12) may be removed from the plot provided that no cleared openings are created.

The following shall govern in applying this point system:

i. The twenty-five (25) foot by fifty (50) foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;

ii. Each successive plot must be adjacent to, but not overlap a previous plot;

iii. Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this Ordinance;

iv. Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by this Ordinance;

v. Where conditions permit, no more than fifty (50) percent of the points on any twenty-five (25) foot by fifty (50) foot rectangular area may consist of trees greater than twelve (12) inches in diameter.

c. For the purposes of Section 15(Q)(2)(b) "Other Natural Vegetation" is defined as retaining existing vegetation under three (3) feet in height and other ground cover and retaining at least five (5) saplings less than two (2) inches in diameter at four and one half (4 ½) feet above ground level for each twenty-five (25) foot by fifty (50) foot rectangular area. If five (5) saplings do not exist, no woody stems less than two (2) inches in diameter can be removed until five (5) saplings have been recruited into the plot.

d. Notwithstanding the above provisions, no more than forty (40) percent of the total volume of trees four (4) inches or more in diameter, measured at four and one-half (4 ½) feet above ground level may be removed in any ten (10) year period.

e. In order to protect water quality and wildlife habitat, existing vegetation under three (3) feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in Section 15(Q), paragraphs 2. and 2.a. above.

f. Pruning of tree branches, on the bottom one-third (1/3) of the tree is allowed.

g. In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, dead, or hazard trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.

3. At distances greater than one hundred (100) feet horizontal distance, from a great pond classified GPA or a river flowing to a great pond classified GPA, and seventy-five (75) feet horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, there shall be allowed on any lot, in any ten (10) year period, selective cutting of not more than forty (40) percent of the volume of trees four (4) inches or more in diameter, measured four and one-half (4 ½) feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the forty (40) percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

4. In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns, and sewage disposal areas, exceed in the aggregate, twenty-five (25) percent of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, including land previously cleared. This provision applies to the portion of a lot within the shoreland zone, including the buffer area, but shall not apply to the General Development or Village Districts.

5. Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this Ordinance.

6. Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of Section 15(Q).

R. Hazard Trees, Storm-Damaged Trees, and Dead Tree Removal

1. Hazard trees in the shoreland zone may be removed without a permit after consultation with the Codes Enforcement Officer if the following requirements are met:

a. Within the shoreline buffer, if the removal of a hazard tree results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4 1/2) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least four (4) feet in height and be no less than two (2) inches in diameter. Stumps may not be removed.

b. Outside of the shoreline buffer, when the removal of hazard trees exceeds forty (40) percent of the volume of trees four (4) inches or more in diameter, measured at four and one half (4 1/2) feet above ground level in any ten (10) year period, and/or results in cleared openings exceeding twenty-five (25) percent of the lot area within the shoreland zone, or ten thousand (10,000) square feet, whichever is greater, replacement with native tree species is required, unless there is new tree growth already present. New tree growth must be as near as practicable to where the hazard tree was removed and be at least two (2) inches in diameter, measured at four and one half (4 1/2) feet above the ground level. If new growth is not present, then replacement trees shall consist of native species and be at least two (2) inches in diameter, measured at four and one half (4 1/2) feet above the ground level.

c. The removal of standing dead trees, resulting from natural causes, is permissible without the need for replanting or a permit, as long as the removal does not result in the creation of new lawn areas, or other permanently cleared areas, and stumps are not removed. For the purposes of this provision, dead trees are those trees that contain no foliage during the growing season.

d. The Codes Enforcement Officer may require the property owner to submit an evaluation from a licensed forester or arborist before any hazard tree can be removed within the shoreland zone.

e. The Codes Enforcement Officer may require more than a one–for-one replacement for hazard trees removed that exceed eight (8) inches in diameter measured at four and one half (4 1/2) feet above the ground level.

2. Storm-damaged trees in the shoreland zone may be removed without a permit after consultation with the Codes Enforcement Officer if the following requirements are met:

a. Within the shoreline buffer, when the removal of storm-damaged trees results in a cleared opening in the tree canopy greater than two hundred and fifty (250) square feet, replanting is not required, but the area shall be required to naturally revegetate, and the following requirements must be met:

i. The area from which a storm-damaged tree is removed does not result in new lawn areas, or other permanently cleared areas;

ii. Stumps from the storm-damaged trees may not be removed;

iii. Limbs damaged from a storm event may be pruned even if they extend beyond the bottom one-third (1/3) of the tree; and

iv. If after one growing season, no natural regeneration or regrowth is present, replanting of native tree seedlings or saplings is required at a density of one seedling per every eighty (80) square feet of lost canopy.

b. Outside of the shoreline buffer, if the removal of storm damaged trees exceeds forty (40) percent of the volume of trees four (4) inches or more in diameter, measured at four and one half (4 1/2) feet above the ground level in any ten (10) year period, or results, in the aggregate, in cleared openings exceeding twenty-five (25) percent of the lot area within the shoreland zone or ten thousand (10,000) square feet, whichever is greater, and no natural regeneration occurs within one growing season, then native tree seedlings or saplings shall be replanted on a one-for-one basis.

S. Exemptions to Clearing and Vegetation Removal Requirements

The following activities are exempt from the clearing and vegetation removal standards set forth in Section 15(Q), provided that all other applicable requirements of this chapter are complied with, and the removal of vegetation is limited to that which is necessary:

1. The removal of vegetation that occurs at least once every two (2) years for the maintenance of legally existing areas that do not comply with the vegetation standards in this chapter, such as but not limited to cleared openings in the canopy or fields. Such areas shall not be enlarged, except as allowed by this section. If any of these areas, due to lack of removal of vegetation every two (2) years, reverts back to primarily woody vegetation, the requirements of Section 15(Q) apply;

2. The removal of vegetation from the location of allowed structures or allowed uses, when the shoreline setback requirements of section 15(B) are not applicable;

3. The removal of vegetation from the location of public swimming areas associated with an allowed public recreational facility;

4. The removal of vegetation associated with allowed agricultural uses, provided best management practices are utilized, and provided all requirements of section 15(O) are complied with;

5. The removal of vegetation associated with brownfields or Voluntary Response Action Program (VRAP) projects provided that the removal of vegetation is necessary for remediation activities to clean-up contamination on a site in a General Development District, Commercial Fisheries and Maritime Activities District or other equivalent zoning district approved by the Commissioner that is part of a state or federal brownfields program or a voluntary response action program pursuant 38 M.R.S.A section 343-E, and that is located along:

a. A coastal wetland; or

b. A river that does not flow to a great pond classified as GPA pursuant to 38 M.R.S.A section 465-A.

6. The removal of non-native invasive vegetation species, provided the following minimum requirements are met:

a. If removal of vegetation occurs via wheeled or tracked motorized equipment, the wheeled or tracked motorized equipment is operated and stored at least twenty-five (25) feet, horizontal distance, from the shoreline, except that wheeled or tracked equipment may be operated or stored on existing structural surfaces, such as pavement or gravel;

b. Removal of vegetation within twenty-five (25) feet, horizontal distance, from the shoreline occurs via hand tools; and

c. If applicable clearing and vegetation removal standards are exceeded due to the removal of non-native invasive species vegetation, the area shall be revegetated with native species to achieve compliance.

***NOTE**: An updated list of non-native invasive vegetation is maintained by the Department of Agriculture, Conservation and Forestry's Natural Areas Program: http://www.maine.gov/dacf/mnap/features/invasive_plants/invasives.htm*

7. The removal of vegetation associated with emergency response activities conducted by the Department, the U.S. Environmental Protection Agency, the U.S. Coast Guard, and their agents.

T. Revegetation Requirements

When revegetation is required in response to violations of the vegetation standards set forth in Section 15(Q), to address the removal of non- native invasive species of vegetation, or as a mechanism to allow for development that may otherwise not be permissible due to the vegetation standards, including removal of vegetation in conjunction with a shoreline stabilization project, the revegetation must comply with the following requirements.

1. The property owner must submit a revegetation plan, prepared with, and signed by a qualified professional, that describes revegetation activities and maintenance. The plan must include a scaled site plan, depicting where vegetation was, or is to be removed, where existing vegetation is to remain, and where vegetation is to be planted, including a list of all vegetation to be planted.

2. Revegetation must occur along the same segment of shoreline and in the same area where vegetation was removed and at a density comparable to the pre-existing vegetation, except where a shoreline stabilization activity does not allow revegetation to occur in the same area and at a density comparable to the pre-existing vegetation, in which case revegetation must occur along the same segment of shoreline and as close as possible to the area where vegetation was removed.

3. If part of a permitted activity, revegetation shall occur before the expiration of the permit. If the activity or revegetation is not completed before the expiration of the permit, a new revegetation plan shall be submitted with any renewal or new permit application.

4. Revegetation activities must meet the following requirements for trees and saplings:

a. All trees and saplings removed must be replaced with native noninvasive species;

b. Replacement vegetation must at a minimum consist of saplings;

c. If more than three (3) trees or saplings are planted, then at least three (3) different species shall be used;

d. No one species shall make up 50% or more of the number of trees and saplings planted;

e. If revegetation is required for a shoreline stabilization project, and it is not possible to plant trees and saplings in the same area where trees or saplings were removed, then trees or saplings must be planted in a location that effectively reestablishes the screening between the shoreline and structures; and

f. A survival rate of at least eighty (80) percent of planted trees or saplings is required for a minimum five (5) years period.

5. Revegetation activities must meet the following requirements for woody vegetation and other vegetation under three (3) feet in height:

a. All woody vegetation and vegetation under three (3) feet in height must be replaced with native noninvasive species of woody vegetation and vegetation under three (3) feet in height as applicable;

b. Woody vegetation and vegetation under three (3) feet in height shall be planted in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;

c. If more than three (3) woody vegetation plants are to be planted, then at least three (3) different species shall be planted;

d. No one species shall make up 50% or more of the number of planted woody vegetation plants; and

e. Survival of planted woody vegetation and vegetation under three feet in height must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years

6. Revegetation activities must meet the following requirements for ground vegetation and ground cover:

a. All ground vegetation and ground cover removed must be replaced with native herbaceous vegetation, in quantities and variety sufficient to prevent erosion and provide for effective infiltration of stormwater;

b. Where necessary due to a lack of sufficient ground cover, an area must be supplemented with a minimum four (4) inch depth of leaf mulch and/or bark mulch to prevent erosion and provide for effective infiltration of stormwater; and

c. Survival and functionality of ground vegetation and ground cover must be sufficient to remain in compliance with the standards contained within this chapter for minimum of five (5) years.

U. Erosion and Sedimentation Control

1. All activities which involve filling, grading, excavation, or other similar activities which result in unstabilized soil conditions, and which require a permit shall also require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:

a. Mulching and revegetation of disturbed soil;

b. Temporary runoff control features such as hay bales, silt fencing, or diversion ditches;

c. Permanent stabilization structures such as retaining walls or rip-rap.

2. In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.

3. Erosion and sedimentation control measures shall be equal to or exceed all DEP approved methods and apply to all aspects of the proposed project involving land disturbance and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.

4. Any exposed ground area shall be temporarily or permanently stabilized within one (1) week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine (9) months of the initial date of exposure. In addition:

a. Where mulch is used, it shall be applied at a rate of at least one (1) bale per five hundred (500) square feet and shall be maintained until a catch of vegetation is established.

b. Anchoring the mulch with netting, peg and twine, or other suitable method may be required to maintain the mulch cover.

c. Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.

5. Natural and man-made drainage ways and drainage outlets shall be protected from erosion from water flowing through them. Drainage ways shall be designed and constructed in order to carry water from a twenty-five (25) year storm or greater and shall be stabilized with vegetation or lined with rip rap.

6. When an excavation contractor will perform an activity that causes the disturbance of more than one (1) cubic yard of soil within the Shoreland Zone, the following will be required:

a. A person certified in erosion control practices by the Maine Department of Environmental Protection shall be responsible for the management of erosion and sediment control practices at the site. This person shall be present at the site each day earthmoving activity occurs for a duration that is sufficient to ensure that proper erosion and sedimentation control practices are followed. This is required until erosion and sedimentation measures have been installed, which will either stay in place permanently or stay in place until the area is sufficiently covered with vegetation necessary to prevent soil erosion.

b. The name and certification number of the person who will oversee activities causing or resulting in soil disturbance shall be included on the required plan or permit application.

V. Soils

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists, and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

W. Water Quality

1. No activity shall deposit on or into the ground or discharge to the waters of the State any pollutant that, by itself or in combination with other activities or substances, will impair designated uses or the water classification of the water body, tributary stream, or wetland.

2. Overboard discharge from sewage disposal systems, wherein sewage or any part thereof, chlorinated or otherwise, is discharged directly into surface waters, is prohibited, excepting those systems installed prior to the passage of this Ordinance may continue as long as they are in compliance with all State water pollution and plumbing laws and regulations. No expansion, renovation, or change in use shall be allowed that results in an increase in the overboard discharge of sewage.

3. Privies and other wastewater systems may be permitted as approved by the State Wastewater Disposal Rules.

X. Archaeological Sites

Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on *the National Register of Historic Places* or other mapped historic or prehistoric places as determined by the permitting authority, shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least twenty (20) days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the Commission prior to rendering a decision on the application.

Y. Habitable Structures

Habitable structures permanently affixed to the land by connection to public or private utilities must be assessed and taxed. Habitable structures include but are not limited to wood frame construction, mobile homes, and travel trailers not road registered in the State of Maine. Such a structure shall be assessed and taxed to the owner of the land where it is located on April 1 each year, unless the owner of the structure provides both proof of title verifying ownership and a written lease document demonstrating landowner permission for the habitable structure to be so affixed to the land. Copies of both required documents are to be provided to the Town's Property Tax Collector upon request made to either owner of structure or owner of land where affixed.

Z. Accessory Dwelling Unit (ADU)

1. Accessory dwelling units are permitted in the Shoreland Zone.

2. ADUs shall follow all regulations as specified in Section 9.0. of the Town's Land Use Ordinance, except that standard lot sizes shall not be waived.

3. ADU construction shall conform to the size requirements of Shoreland Zone Land Use Standards Section 15.A.1: 40,000 sq. ft. minimum lot size; 150 ft. shore frontage Adjacent to Tidal Area; 200 ft. shore frontage Adjacent to Non-tidal Areas.

4. Accessory Dwelling Units permitted within the Shoreland Zone shall comply with all requirements of the Shoreland Zoning Ordinance.

Section 16. General Building Requirements

A. Permits Required

1. It shall be unlawful to construct, add to, alter or to commence the construction, addition, or alteration of a building, mobile home, or structure where the value of such construction or addition exceeds one thousand ($1,000) dollars without first filing with the Codes Enforcement Officer an application in writing and obtaining a permit, therefor. Permits shall be posted on site in a visible location at site entrance by the CEO on said CEO's next workday.

2. The one thousand ($1,000) dollar exemption from the need to have a building permit shall not apply to the construction of a foundation or slab for a dwelling unit. No work shall be done on a foundation for a house, mobile home slab, cottage, or other dwelling unit until the Codes Enforcement Officer has reviewed the site for compliance with the provisions of this Ordinance and issued a permit.

3. All applications shall be accompanied by a fee in accordance with the following estimated value of construction schedule:

$1,000.00 to $10,000.00	$75.00
$10,001.00 and above	$100.00 plus $4.00 per $1,000.00

If the estimated value of the project is deemed unreasonable by the CEO, the CEO has the right to assess a renovation at one hundred fifty ($150.00) dollars per square foot and new construction at three hundred ($300.00) dollars per square foot. The fee for construction commenced before a permit is issued shall be four times (4x) the normal fee.

4. Permits shall expire one (1) year from the date of issuance if a substantial start is not made in construction or in the use of the property during that period. If a substantial start is made within one (1) year of the issuance of the permit, the applicant shall have one (1) additional year to complete the project, at which time the permit shall expire.

A one (1) year extension may be granted by the permitting authority.

5. If the proposed use will require the installation or expansion of a subsurface wastewater disposal system, a valid permit from the LPI shall be required.

6. No permit shall be issued for additional bedrooms or uses until the applicant demonstrates that the wastewater system is lawful for both the existing structure and the proposed changes.

7. All modifications to existing structures or change of use shall be in conformity with all provisions of this Ordinance, the Maine State Plumbing Code, and State of Maine Subsurface Wastewater Disposal Rules. No permit shall be issued for activities prohibited by this Ordinance or other Town or State codes, laws, and Ordinances.

B. Construction Standards

1. All dwellings and mobile homes shall be erected on solid ledge or foundation walls not less than seven (7) inches thick or insulated concrete form foundation (ICF) and carried not less than twelve (12) inches below the frost line, or upon a concrete slab not less than six (6) inches thick, or upon pressure treated or concrete posts that extend to solid ledge or to at least four (4) feet into the earth.

2. All construction and materials shall conform to generally accepted standards of good practice and shall conform to all applicable State laws and Town regulations and Ordinances.

3. New dwelling construction and renovations shall conform to the following standards:

a. Smoke alarms shall be installed as follows:

i. At least one (1) in each sleeping room

ii. At least one (1) outside each separate sleeping area in the immediate vicinity of the bedrooms.

iii. At least one (1) on each additional story of the dwelling, including basements but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one (1) full story below the upper level.

iv. When more than one (1) smoke alarm is required to be installed within an individual dwelling unit, the alarm devices shall be interconnected in such a manner that the actuation of one (1) alarm will activate all of the alarms in the individual unit. The alarm shall be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

v. All smoke alarms shall be listed and installed in accordance with the provisions of the State Building Codes and the household fire equipment provisions of NFPA 72.

b. There shall be two (2) inches or more clearance between combustible materials and masonry chimneys.

c. All masonry chimneys shall be lined.

d. All hallways shall have a minimum finished width of thirty-six (36) inches.

e. Dwelling units shall have a minimum of two (2) exterior doors, and each shall have a minimum finished cleared opening of thirty-four (34) inches.

f. Walls and doors between attached garages and living spaces shall be built of fire shield material with a one (1) hour rating.

g. Multi-family structures shall contain no more than ten (10) dwelling units. Such units shall be separated by fire shield material with a one (1) hour rating and be connected to common water and wastewater systems. Structures containing three (3) or more units are subject to Subdivision review.

h. No building shall exceed thirty-five (35) feet in height, measured from the mean original grade at the downhill side of the building.

i. All building shall conform to current standards of the Maine Model Building Code as amended-and referred to as MUBEC (Maine Universal Building and Energy Code).

C. Solar Access

No new structure or addition shall be built that casts a shadow on south-facing windows or other solar collecting devices on neighboring properties on December 22nd unless the owners of such devices and windows shall agree in writing that they do not object to such shading. Neither shall any new vegetation be allowed to grow so as to cast such a shadow without the owner of a solar device agreeing. Any tree, shrub, or any planted landscaping growing at the time of the construction or installation of the solar device may be allowed to remain and grow out its natural life.

Note: Solar devices are structures and must meet setbacks.

D. Mobile Homes

Mobile homes shall be allowed on any lot of land where a single-family home would be allowed, but no mobile home may be moved into the Town or moved onto a lot within the Town before plumbing and building permits have been issued. No permits shall be issued unless that owner provides evidence demonstrating that the mobile home meets the standards of the National Manufactured Housing Construction and Safety Standards Act of 1974, U. S. Code, Title 42, Section 5401 et seq.

E. Debris from Destroyed Buildings

Debris and waste from buildings destroyed by fire, deterioration, accident, storms, or flooding shall be removed by the owners within six (6) months of being notified to do so by the Codes Enforcement Officer.

F. Structure Demolition or Removal Notice

Property owners and contractors shall notify the Codes Enforcement Officer before the demolition of any structure can take place. The CEO will in turn, notify the Phippsburg Historical Preservation Commission, who will determine whether that structure is associated with events that have made a significant contribution to the broad patterns of our history; or that is associated with the lives of persons significant in our past; or embodies the distinctive characteristics of a type, period, or method of construction; or that represents the work of a master or that possesses high artistic values, or that have yielded or may be likely to yield information important in prehistory or history (National Historic Register of Historic Places). If the structure is deemed not to be of historical significance, the Phippsburg Historical Preservation Commission will notify the CEO that the demolition delay should be withdrawn. This determination will be made as soon as possible, but no later than forty-five (45) days after Commission notification from the CEO. If the property is deemed to be of significant historical value, the Phippsburg Historical Preservation Commission will negotiate with the owner or contractor for permission to move the structure or negotiate/seek a suitable alternative for the structure.

G. Occupancy Permit

1. No structure shall be used for the first time in Phippsburg for residential purposes until a permit is issued by the Codes Enforcement Officer.

2. No permit shall be issued for occupancy of a residential structure until the Licensed Plumbing Inspector certifies that the dwelling has sanitary facilities installed and operating that meet all the requirements of the Maine State Plumbing Code and the State of Maine Subsurface Wastewater Disposal rules.

3. A copy of the occupancy permit shall be forwarded to the town's Assessing Agent within thirty (30) days of issuance.

4. A structure that has not been used for residential purposes for more than five (5) years shall be considered a new residential structure and shall require an occupancy permit.

5. The penalty for occupying a structure without first receiving a certificate of occupancy shall be twenty ($20.00) dollars per day.

Section 17. Administration

A. Administering Bodies and Agents

1. Codes Enforcement Officer: A Codes Enforcement Officer shall be appointed or reappointed annually by July 1st. The person so named shall also be qualified and fulfill all duties of a Licensed Plumbing Inspector.

2. Board of Appeals: A Board of Appeals shall be created in accordance with the provisions of 30-A M.R.S.A. Section 2691.

3. Planning Board: A Planning Board shall be created in accordance with the provisions of State law.

B. Permits Required

1. After the effective date of this Ordinance no person shall, without first obtaining a permit from the Codes Enforcement Officer or the Planning Board, as appropriate, engage in any activity, use of land, or structure requiring a permit in the district in which such activity or use would occur; expand, change, or replace an existing use or structure; or renew a discontinued nonconforming use. A person who is issued a permit pursuant to this Ordinance shall have a copy of the permit on site while the work authorized by the permit is performed. (See Section (16)(A)(1).

2. A permit is not required for the replacement of an existing road culvert as long as:

a. The replacement culvert is not more than twenty-five (25) percent longer than the culvert being replaced.

b. The replacement culvert is not longer than seventy-five (75) feet; and

c. Adequate erosion control measures are taken to prevent sedimentation of the water, and the crossing does not block fish passage in the watercourse.

3. A permit is not required for an archaeological excavation as long as the excavation is conducted by an archaeologist listed on the State Historic Preservation Officer's Level 1 or Level 2 approved lists, and unreasonable erosion and sedimentation is prevented by means of adequate and timely temporary and permanent stabilization measures. Prior to excavation, a copy of documentation showing size and scope shall be provided to the Codes Enforcement Officer.

4. Any permit required by this Ordinance shall be in addition to any other permit required by other law or Ordinance.

5. A curb cut permit is required from either the Maine Department of Transportation (MDOT) for all State roads or from the Phippsburg Road Commissioner for all Town maintained roads.

C. Permit Application

1. Every applicant for a permit shall submit, on a form provided by the Town, a written application to the appropriate official as indicated in Section 14. Building permit applications shall include a scaled site plan not to exceed 24”x36”. Digital format plans may be allowed by the Codes Enforcement Officer or the Licensed Plumbing Inspector.

2. All applications shall be signed by an owner or individual who can show evidence of right, title, or interest in the property or by an agent, representative, tenant, or contractor of the owner with authorization from the owner to apply for a permit hereunder, certifying that the information in the application is complete and correct.

3. All applications shall be dated, and the Codes Enforcement Officer or Planning Board, as appropriate, shall note upon each application the date and time of its receipt.

4. If the property is not served by a public sewer, a valid plumbing permit or a completed application for a plumbing permit, including the site evaluation approved by the Licensed Plumbing Inspector, shall be submitted whenever the nature of the proposed structure or use would require the installation of a subsurface sewage disposal system.

5. Unless determined otherwise in specific sections of this Ordinance, a standard Planning Board Fee is one hundred dollars ($100.00). Planning Board fees are non-refundable.

6. Application packets shall consist of:

- **a.** The application form,
- **b.** Any other supporting information,
- **c.** When required, legible scaled site plans and building plans no smaller than 11”x17”.

7. The applicant shall provide ten (10) packets; thirteen (13) if for a New Business. A packet shall be mailed to each of the Planning Board members ten (10) days prior to the scheduled meeting and the remaining packets shall be presented at the scheduled meeting.

8. An application to the Planning Board may be withdrawn at any time throughout the permitting process. A withdrawal statement must be submitted to the Board in writing, signed by the applicant or a certified designee. Fees paid are not refundable.

D. Procedure for Administering Permits

1. Within thirty-five (35) days of the date of receiving a written application, the Planning Board or Codes Enforcement Officer, as indicated in Section 14, shall notify the applicant in writing either that the application is a complete application, or, if the application is incomplete, that specified additional material is needed to make the application complete. The Planning Board or the CEO, as appropriate, shall approve, approve with conditions, or deny all permit applications in writing within thirty-five (35) days of receiving a completed application. However, if the Planning Board has a waiting list of applications, a decision on the application shall occur within thirty-five (35) days after the first available date on the Planning Board's agenda following receipt of the completed application, or within thirty-five (35) days of the public hearing if, the proposed use or structure is found to be in conformance with the purposes and provisions of this Ordinance.

2. The applicant shall have the burden of proving that the proposed land use activity is in conformity with the purposes and provisions of this Ordinance.

3. After the submission of a complete application to the Planning Board, the Board shall approve an application or approve it with conditions if it makes a positive finding based on the information presented that the proposed use:

a. Will maintain safe and healthful conditions.

b. Will not result in water pollution, erosion, or sedimentation to surface waters.

c. Will adequately provide for the disposal of all wastewater.

d. Will not have an adverse impact on spawning grounds, fish, aquatic life, bird, or other wildlife habitat.

e. Will conserve shore cover and visual, as well as actual, points of access to inland and coastal waters.

f. Will protect archaeological and historic resources as designated in the comprehensive plan.

g. Will not adversely affect existing commercial fishing or maritime activities.

h. Will avoid problems associated with flood plain development and use; and

i. Is in conformance with the provisions of Section 15, Land Use Standards.

4. If a permit is either denied or approved with conditions, the reasons as well as conditions shall be stated in writing. No approval shall be granted for an application involving a structure if the structure would be located in an unapproved subdivision or would violate any other local Ordinance, regulation, or statute administered by the Town.

E. Special Exceptions

1. A Special Exception Permit may be issued by the Planning Board only if the Board deems the applicant's proposal satisfies the Purpose of this Ordinance as stated in Section 1.

2. In addition to the criteria specified in Section 17(D) above, excepting structure setback requirements, the Planning Board may approve a permit for a single-family residential structure in a Resource Protection District or General Development District provided that the applicant demonstrates that all of the following conditions are met:

a. There is no location on the property, other than a location within the Resource Protection District or General Development District, where the structure can be built.

b. The lot on which the structure is proposed is undeveloped and was established and recorded in the registry of deeds of the county in which the lot is located before the adoption of the Resource Protection District or General Development District. (For the purposes of this section lots abutting the freshwater wetlands labeled as IWWH on the official Shoreland Zoning Map revised May 2009 will have a starting date of July 1, 2009; all other lots shall have a starting date of January 1, 1989).

c. All proposed buildings, sewage disposal systems, and other improvements are:

i. Located on natural ground slopes of less than twenty (20) percent; and

ii. Located outside the floodway of the one hundred (100) year flood-plain along rivers and artificially formed great ponds along rivers and outside the velocity zone in areas subject to tides, based on detailed flood insurance studies and as delineated on the Federal Emergency Management Agency's Flood Boundary and Floodway Maps and Flood Insurance Rate Maps; all buildings, including basements, are elevated at least one (1) foot above the one hundred (100) year flood-plain elevation; and the development is otherwise in compliance with any applicable Town flood-plain Ordinance. If the floodway is not shown on the Federal Emergency Management Agency Maps, it is deemed to be one-half (1/2) the width of the one hundred (100) year flood plain.

d. The total footprint, including cantilevered or similar overhanging extensions, of all principal and accessory structures is limited to a maximum of one thousand five hundred (1,500) square feet. This limitation shall not be altered by variance.

e. All structures, except functionally water-dependent structures, are set back from the normal high-water line of a water body, tributary stream, or upland edge of a wetland to the greatest practical extent, but not less than seventy-five (75) feet, horizontal distance, and one hundred (100) feet from the upland edge of a freshwater wetland. In determining the greatest practical extent, the Planning Board shall consider the depth of the lot, the slope of the land, the potential for soil erosion, the type and amount of vegetation to be removed, the proposed building site's elevation in regard to the flood-plain, and its proximity to moderate-value and high-value wetlands.

F. Expiration of Permit

Permits shall expire one (1) year from the date of issuance if a substantial start is not made in construction or in the use of the property during that one (1) year. If a substantial start is made within one (1) year of the issuance of the permit, the applicant shall reapply to the original permitting authority for one (1) additional year to complete the project, at which time the permit shall expire. An additional extension may be granted by the original permitting authority, at no fee, if the site is permanently revegetated.

G. Installation of Public Utility Service

A public utility, water district, sanitary district, or any utility company of any kind may not install services to any new structure located in the shoreland zone unless written authorization attesting to the validity and currency of all local permits required under this or any previous Ordinance has been issued by the appropriate Town officials or other written arrangements have been made between the Town officials and the utility.

H. Appeals

The Board of Appeals shall have powers and duties granted in the Town's current "Board of Appeals Ordinance."

I. Enforcement

1. Nuisances.

Any violation of this Ordinance shall be deemed to be a nuisance.

2. Codes Enforcement Officer

a. It shall be the duty of the Codes Enforcement Officer to enforce the provisions of this Ordinance. If the Codes Enforcement Officer shall find that any provision of this Ordinance is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation, and ordering the action necessary to correct it, including discontinuance of illegal use of land, buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions. A copy of such notices shall be submitted to the Select Board and be maintained as a permanent record.

b. The Codes Enforcement Officer shall conduct on-site inspections to ensure compliance with all applicable laws and conditions attached to permit approvals. The Codes Enforcement Officer shall also investigate all complaints of alleged violations of this Ordinance.

c. The Codes Enforcement Officer shall keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found, and fees collected.

3. Legal Actions

When the above action does not result in the correction or abatement of the violation or nuisance condition, the Select Board, upon notice from the Codes Enforcement Officer, is hereby directed to institute any and all actions and proceedings, either legal or equitable, including seeking injunctions of violations and the imposition of fines that may be appropriate or necessary to enforce the provisions of this Ordinance in the name of the Town. The Select Board, or their authorized agent, are hereby authorized to enter into Administrative Consent Agreements for the purpose of eliminating violations of this Ordinance and recovering fines without Court action. Such agreements shall not allow an illegal structure or use to continue unless there is clear and convincing evidence that the illegal structure or use was constructed or conducted as a direct result of erroneous advice given by an authorized Town official and there is no evidence that the owner acted in bad faith, or unless the removal of the structure or use will result in a threat or hazard to public health and safety, or will result in substantial environmental damage. Penalties for violation of Section 15(Q) shall include fines, replanting, and landscaping.

4. Fines

Any person, including but not limited to a landowner, a landowner's agent, or a contractor who violates any provision or requirement of this Ordinance shall be penalized in accordance with 30-A, M.R.S.A. Section 4452. All fines levied under this Ordinance shall be paid to the Town of Phippsburg.

NOTE: *Current penalties include fines of not less than one hundred ($100) dollars nor more than two thousand five hundred ($2,500) dollars per violation for each day that the violation continues. However, in a Resource Protection District the maximum penalty is increased to five thousand ($5,000) dollars (30-A, M.R.S.A. Section 4452).*

Section 18. Definitions

A. In this Ordinance the word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the present tense includes the future tense; the singular number includes the plural, and the plural includes the singular; the word "shall" is mandatory, and the word "may" is permissive; the word "lot" includes the words "plot" or "parcel." In case of a difference of meaning or implication between the text of this Ordinance and any map or illustration, the text shall control.

B. Terms not defined shall have the customary dictionary meaning, found in Webster's Dictionary 2nd Edition, copyright 2001 by Randall Publishing, Inc., located in the Phippsburg Town Hall.

C. The following definitions apply:

Abutter - A person who owns adjacent property and including property directly across any road.

Accessory Dwelling Unit (ADU) – A smaller, independent dwelling unit located on the same lot as a stand-alone single-family dwelling. ADUs are intended to provide additional housing stock for the Town by encouraging infill development that is compatible in scale and character with existing residential uses.

Accessory Structure or Use - A use or structure which is incidental and subordinate to the principal use or structure. Accessory uses, when aggregated, shall not subordinate the principal use of the lot. A deck or similar extension of the principal structure or a garage attached to the principal structure by a roof, or a common wall is considered part of the principal structure. A separate accessory structure shall not be less than eight (8) feet from the primary structure.

Aggrieved Party - An owner of land whose property is directly or indirectly affected by the granting or denial of a permit or variance under this Ordinance; a person whose land abuts land for which a permit or variance has been granted; or any other person or group of persons who have suffered particularized injury as a result of the granting or denial of such permit or variance.

Agriculture - The production, keeping or maintenance for sale or lease, of plants or animals, including but not limited to, forages and sod crops, grains and seed crops, dairy animals and dairy products, poultry and poultry products, livestock, fruits and vegetables, and ornamental greenhouse products. Agriculture does not include forest management and timber harvesting activities.

Alteration - Any change, addition, or modification in construction, or change in the structural members of a building, such as bearing walls, columns, beams, or girders.

Aquaculture - The growing or propagation of harvestable freshwater, estuarine, or marine plant or animal species.

Area of Special Flood Hazard - means land in a floodplain having a 1% or greater chance of flooding in any given year, as identified in the effective federal flood insurance study and corresponding flood insurance rate maps.

Basal Area - The area of cross-section of a tree stem at four and one-half (4 ½) feet above ground level and inclusive of bark.

Basement - Any portion of a structure with a floor-to-ceiling height of (6) feet or more and having more than fifty (50) percent of its volume below the existing ground level.

Boat Launching Facility - A facility designed primarily for the launching and landing of watercraft, and which may include an access ramp, docking area, and parking spaces for vehicles and trailers.

Building - See Structures

Building Height - The vertical distance between the mean original grade at the downhill side of the building and the highest point of the building, excluding chimneys, steeples, antennas, and similar appurtenances which have no floor area. Where retaining walls are required to be constructed within twenty (20) feet of a building, the wall shall be considered to be part of the building and the height of the building shall be measured from the lowest finished grade level adjoining the wall.

Bureau of Forestry - State of Maine Department of Agriculture, Conservation, and Forestry, Bureau of Forestry.

Camper - A portable structure designed to be used as a temporary dwelling for travel and designed to fit upon or in the back of a truck, including converted buses or other vehicles. This structure shall not be used as a permanent dwelling.

Campground - Any area or tract of land to accommodate two (2) or more parties in temporary living quarters including, but not limited to, tents, recreational vehicles, or other shelters.

Canopy - The more or less continuous cover formed by tree crowns in a wooded area.

Coastal Wetland - All tidal and subtidal lands; all lands with vegetation present that is tolerant of salt water and occurs primarily in a salt water or estuarine habitat; and any swamp, marsh, bog, beach, flat, or other contiguous low land which is subject to tidal action during the highest tide level for the year in which an activity is proposed as identified in tide tables published by the National Ocean Service. Coastal wetlands may include portions of coastal sand dunes.

NOTE: *All areas below the highest annual tide level are coastal wetlands. These areas may consist of rocky ledges, sand and cobble beaches, mud flats, etc., in addition to salt marshes and salt meadows.*

Codes Enforcement Officer - A person appointed by the Select Board to administer and enforce this Ordinance. Reference to the Codes Enforcement Officer shall be construed to include the Licensed Plumbing Inspector, where applicable.

Commercial Use - The use of land, buildings, or structures, other than a "home occupation," the intent of which is the production of income. This includes the rental of a residential dwelling unit. (The rental of a residential dwelling unit will not require a business review by the Planning Board.)

Complete Application - All documentation necessary for review and decision by the permitting authority.

Conforming Use - A use of buildings, structures, or land which complies with all the applicable provisions of this Ordinance.

Cross-sectional Area - The cross-sectional area of a stream or tributary stream channel is determined by multiplying the stream or tributary stream channel width by the average stream or tributary stream channel depth. The stream or tributary stream channel width is the straight-line distance from the normal high-water line on one side of the channel to the normal high-water line on the opposite side of the channel. The average stream or tributary stream channel depth is the average of the vertical distances from a straight line between the normal high-water lines of the stream or tributary stream channel to the bottom of the channel.

DBH - The diameter of a standing tree measured four and one-half (4 ½) feet from ground level.

Development - A change in land use involving alteration of the land, water, or vegetation, or the addition or alteration of structures, or other construction not naturally occurring.

Dimensional Requirements - Numerical standards relating to spatial relationships including but not limited to setback, lot area, shore frontage, and height.

Disability - Any disability, infirmity, malformation, disfigurement, congenital defect, or mental condition caused by bodily injury, accident, disease, birth defect, environmental conditions or illness; and also includes the physical or mental condition of a person which constitutes a substantial handicap as determined by a physician or in the case of mental handicap, by a psychiatrist or psychologist, as well as any other health or sensory impairment which requires special education, vocational rehabilitation, or related services.

District - A specified portion of the Town, delineated on the Shoreland Zoning Map, within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

Driveway - A vehicular access-way less than five hundred (500) feet in length serving two single-family dwellings or one two-family dwelling, or less.

Dwelling - A fixed structure, containing one or more residential dwelling units.
***NOTE**: See Residential Dwelling Unit.*

Emergency Operations - Operations conducted for the public health, safety, or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings, property, and livestock from the threat of destruction or injury.

Erosion Control- See Section 15(U).

Essential Services - Gas, electrical, or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers, and related equipment; telephone cables or lines, poles, and related equipment; gas, oil, water, slurry, or other similar pipelines; municipal sewage lines, collection, or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants, and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

Excavation Contractor – An individual or firm engaged in a business that causes the disturbance of soil, including grading filling and removal, or in a business in which the disturbance of soil results from an activity that the individual or firm is retained to perform.

Expansion of a Structure - An increase in the footprint or height of a structure, including all extensions such as, but not limited to attached decks, garages, porches, and greenhouses.

Expansion of Use - The addition of one (1) or more months to a use's operating season; or the use of more footprint of a structure or ground area devoted to a particular use.

Family – One (1) or more persons occupying a premise and living as a single housekeeping unit.

Floodway - The channel of a river or other watercourse and adjacent land areas that must be reserved in order to discharge the one hundred (100) year flood without cumulatively increasing the water surface elevation by more than one (1) foot in height.

Floor Area - The sum of the horizontal areas of the floor(s) of a structure enclosed by exterior walls.

Footprint - The entire area of ground covered by the structure(s) on a lot, including but not limited to cantilevered or similar overhanging extensions, as well as unenclosed structures, such as patios and decks.

Forested Wetland - A freshwater wetland dominated by woody vegetation that is six (6) meters tall (approximately twenty (20) feet) or taller.

Foundation - The supporting substructure of a building or other structure, excluding wooden sills and post supports, but including basements, slabs, frost walls, or other base consisting of concrete, block, brick, or similar material.

Freshwater Wetland - Freshwater swamps, marshes, bogs, and similar areas, other than forested wetlands, which are:

1. Of ten (10) or more contiguous acres; or of less than ten (10) contiguous acres and adjacent to a surface water body, excluding any river, stream, or brook, such that in a natural state, the combined surface area is in excess of ten (10) acres; and

2. Inundated or saturated by surface or ground water at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils.

Freshwater wetlands may contain small stream channels or inclusions of land that do not conform to the criteria of this definition.

Frontage, Shore - The horizontal distance, measured in a straight line, between the intersections of the side lot lines with the shoreline at normal high-water elevation.

Frontage, Street/Road – The distance as measured along the center of the traveled way between the intersections of the side lot lines with the traveled way.

Functionally Water-Dependent Uses - Those uses that require, for their primary purpose, location on submerged lands or that require direct access to, or location in, coastal or inland waters and that cannot be located away from these waters. The uses include, but are not limited to, commercial and recreational fishing and boating facilities, finfish and shellfish processing, fish related storage, and retail and wholesale fish marketing facilities, waterfront dock and port facilities, shipyards and boat building facilities, marinas, navigation aids, basins and channels, shoreline structures necessary for erosion control purposes, industrial uses dependent upon water-borne transportation or requiring large volumes of cooling or processing water that cannot reasonably be located or operated at an inland site and uses that primarily provide general public access to coastal or inland waters. Recreational boat storage buildings are not considered to be a functionally water-dependent use.

Great Pond - Any inland body of water which in a natural state has a surface area in excess of ten (10) acres, and any inland body of water artificially formed or increased which has a surface area in excess of thirty (30) acres except for the purposes of this Ordinance, where the artificially formed or increased inland body of water is completely surrounded by land held by a single owner.

Great Pond Classified GPA - Any great pond classified GPA, pursuant to 38 M.R.S.A. Article 4-A Section 465-A. This classification includes some, but not all impoundments of rivers that are defined as great ponds.

NOTE: *There are no GPA identified great ponds in the Town of Phippsburg.*

Ground Cover - Small plants, fallen leaves, needles, twigs, and the partially decayed organic matter of the forest floor.

Hazard Tree - A tree with a structural defect, combination of defects, or disease resulting in a structural defect that under the normal range of environmental conditions at the site exhibits a high probability of failure and loss of a major structural component of the tree in a manner that will strike a target. A normal range of environmental conditions does not include meteorological anomalies, such as, but not limited to: hurricanes; hurricane-force winds; tornados; microbursts; or significant ice storm events. Hazard trees also include those trees that pose a serious and imminent risk to bank stability. A target is the area where personal injury or property damage could occur if the tree or a portion of the tree fails. Targets include roads, driveways, parking areas, structures, campsites, and any other developed area where people frequently gather and linger.

Height - "Height" means:
A. With respect to existing principal or accessory structures, (including legally existing nonconforming structures), located within an area of special flood hazard that has been or is proposed to be relocated, reconstructed, replaced, or elevated to be consistent with the minimum elevation required by a local floodplain management ordinance, the vertical distance between the bottom of the sill of the structure to the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area; and

B. With respect to new principal or accessory structures and to existing principal or accessory structures other than those described in paragraph A, (including legally existing nonconforming structures), the vertical distance between the mean original grade at the downhill side of the structure, prior to construction, and the highest point of the structure, excluding chimneys, steeples, antennas, and similar appurtenances that have no floor area.

C. Notwithstanding the limitations on height imposed under Section 12(C)(1)(b) and Section 12(C)(1)(c), the height of a structure that is a legally existing nonconforming principal or accessory structure may be raised to, but not above, the minimum elevation necessary to be consistent with the local floodplain management elevation requirement or to three (3) feet above base flood elevation, whichever is greater, as long as the structure is located, reconstructed, replaced, or elevated within the boundaries of the parcel so that the water body or wetland setback requirement is met to the greatest practical extent. This paragraph applies to structures that: (1) Have been or are proposed to be relocated, reconstructed, replaced, or elevated to be consistent with the local floodplain management elevation requirement; and (2) Are located in an area of special flood hazard.

Highest Astronomical Tide (HAT) – According to NOAA, the Highest Astronomical Tide is the elevation of the highest predicted astronomical tide expected to occur at a specific tide station over the National Tidal Datum Epoch, or NTDE.

NOTE: The NTDE is a specific 19-year period adopted by the National Ocean Service as the official time segment over which tide observations are taken and reduced to obtain mean values (e.g., mean lower low water, etc.) for tidal datums. It is necessary for standardization because of periodic and apparent secular trends in sea level. The present NTDE is 1983 through 2001 and is actively considered for revisit every 20-25 years. The NOAA measuring station for Phippsburg is 8417117 Fort Popham, Hunnewell Point.

High Intensity - A use or change of use that would result in an acute detrimental change of environmental, safety, traffic, noise, and density levels.

Home Occupation - An occupation or profession which is customarily conducted on or in a residential structure or property and which is:

1. Clearly incidental to and compatible with the residential use of the property and surrounding residential uses; and

2. Which employs no more than two (2) persons other than family members residing in the home and excluding the rental of a dwelling unit for twenty-eight (28) days or less per calendar year.

Increase in Nonconformity of a Structure - Any change in a structure or property which causes further deviation from the dimensional standard(s) creating the nonconformity such as, but not limited to, reduction in water body, tributary stream, or wetland setback distance, increase in lot coverage, or increase in height of a structure. Property changes or structure expansions which either meet the dimensional standard or which cause no further increase in the linear extent of nonconformance of the existing structure shall not be considered to increase nonconformity. For example, there is no increase in nonconformity with the setback requirement for water bodies, wetlands, or tributary streams if the

expansion extends no further into the required setback area than does any portion of the existing nonconforming structure. Hence, a structure may be expanded laterally provided that the expansion extends no closer to the water body, tributary stream, or wetland than the closest portion of the existing structure from that water body, tributary stream, or wetland. Included in this allowance are expansions which in-fill irregularly shaped structures.

Individual Private Campsite - An area of land which is not associated with a campground, but which is developed for repeated camping by only one group not to exceed ten (10) individuals and which involves site improvements which may include but not be limited to a gravel pad, parking area, fireplace, or tent platform.

Industrial - The assembling, fabrication, finishing, manufacturing, packaging, or processing of goods, or the extraction of minerals, excluding the packaging/processing of harvested marine products.

Institutional - A non-profit or quasi-public use, or institution such as a church, library, public or private school, hospital, or municipally owned or operated building, structure, or land used for public purposes.

Lot - A parcel of land in single ownership, described on a deed, plat, or similar legal document.

Lot Area - The area of land enclosed within the boundary lines of a lot, minus land below the normal high-water line of a water body or upland edge of a wetland and areas beneath roads serving more than two (2) lots.

Lot Lines - The lines bounding a lot.

Lot Line, Front - On an interior lot, the line separating the lot from the street. On a corner or through lot, the line separating the lot from either street.

Lot line, Rear - The lot line opposite the front lot line. On a lot pointed at the rear, the rear lot line shall be an imaginary line between the side lot lines parallel to the front lot line, not less than ten (10) feet long, lying farthest from the front lot line. On a corner lot, the rear lot line shall be opposite the front lot line of least dimension.

Lot Line, Side - Any lot line other than the front lot line or the rear lot line.

Lot of Record - A parcel of land, the dimensions of which is shown on a document or map on file with the County Register of Deeds or in common use by Town or County Officials, as of January 1st, 1989.

Mapped - An area marked for zoning on the Official Phippsburg Shoreland Zoning Map.

Marina - A business establishment having frontage on navigable water and, as its principal use, providing for hire offshore moorings or docking facilities for boats, and which may also provide accessory services such as boat and related sales, boat repair and construction, indoor and outdoor storage of boats and marine equipment, bait and tackle shops, and marine fuel service facilities.

Market Value - The estimated price a property will bring in the open market and under prevailing market conditions in a sale between a willing seller and a willing buyer, both conversant with the property and with prevailing general price levels.

Mineral Exploration - Hand sampling, test boring, or other methods of determining the nature or extent of mineral resources which create minimal disturbance to the land, and which include reasonable measures to restore the land to its original condition.

Mineral Extraction - Any operation within any twelve (12) month period which removes more than one hundred (100) cubic yards of soil, topsoil, loam, sand, gravel, clay, rock, peat, or other like material from its natural location and to transport the product removed away from the extraction site.

Minimum Lot Width - The closest distance between the side lot lines of a lot. When only two (2) lot lines extend into the shoreland zone, both lot lines shall be considered to be side lot lines.

Mobile Home - A structure designed as a dwelling unit for location on a permanent foundation, and containing sleeping accommodations, a toilet, a tub or shower bath, and kitchen facilities, including major appliances and furniture, with plumbing and electrical connections provided for attachment of outside systems; and designed to be transported after fabrication on its own wheels. A mobile home shall contain not less than four hundred fifty (450) square feet of gross floor area. Mobile homes shall be allowed on any lot of land where a single-family home would be allowed, but no mobile home may be moved into the Town or moved onto a lot within the Town before plumbing and building permits have been issued. No permits shall be issued unless that owner provides evidence demonstrating that the mobile home meets the standards of the National Manufactured Housing Construction and Safety Standards Act of 1974, U. S. Code, Title 42, Section 5401, et seq.

Mobile Home Park- A plot of land laid out to accommodate at least three (3) mobile homes.

Multi-unit Residential - A residential structure containing three (3) or more residential dwelling units.

Native - Indigenous to the local forests.

New Business - For the purposes of this Ordinance, a new business is a business that meets one or more of the following criteria:

1. A business beginning operations that does not qualify as a home business under this Ordinance.

2. An existing business that expands the area devoted to retail customers by more than twenty (20) percent.

3. An existing business that converts existing space to a different line of business, such as the conversion of a storage area to retail use, or the conversion of a portion of a retail store or all of a retail store into restaurant facilities.

4. An existing business that moves or expands to a new location or onto land that is not contiguous to the lot where the business began.

5. A home business that expands to the point where it no longer meets the criteria for home businesses under this Ordinance.

6. A grandfathered business that is sold, leased, or rented to other operators shall require, without a public hearing, a transfer of permit review from the Planning Board.

Nonconforming Condition - Nonconforming lot, structure, or use which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendment took effect.

Nonconforming Lot - A single lot of record which, at the effective date of adoption or amendment of this Ordinance, does not meet the area, frontage, or width requirements of the district in which it is located.

Nonconforming Lot of Record - A lot of record that does not meet the lot area, street frontage, or shore frontage requirements of this Ordinance. (See Lot of Record.)

Nonconforming Structure - A structure which does not meet any one or more of the following dimensional requirements; setback, height, lot coverage or footprint, but which is allowed solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Nonconforming Use - Use of buildings, structures, premises, land, or parts thereof which is not allowed in the district in which it is situated, but which is allowed to remain solely because it was in lawful existence at the time this Ordinance or subsequent amendments took effect.

Non-native Invasive Species of Vegetation - Species of vegetation listed by the Maine Department of Agriculture, Conservation and Forestry as being invasive in Maine ecosystems and not native to Maine ecosystems.

Normal High Water Line (Non-tidal Waters) - That line, which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land. Areas contiguous with rivers and great ponds that support non-forested wetland vegetation and hydric soils and that are at the same or lower elevation as the water level of the river or great pond during the period of normal high water are considered part of the river or great pond.

Normal High Water Line (Tidal Waters) - It is the point of highest inland flow of the tides when the tides at Portland have a height of eleven (11) feet. In the case of wetlands adjacent to rivers and ocean front, the normal high water line is the upland edge of the wetland, and not the edge of open water.

Outlet Stream - Any perennial or intermittent stream, as shown on the most recent highest resolution version of the National Hydrography Dataset available from the United States Geological Survey on the website of the United States Geological Survey or the National Map, that flows from a freshwater wetland.

Permanent Foundation - A continuous enclosed masonry foundation, heavy concrete slab, or wood foundation treated to prevent decay.

Permitted - An allowed use only with written approval from the permitting authority.

Person - An individual, corporation, governmental agency, municipality, trust, estate, partnership, association, two (2) or more individuals having a joint or common interest, or other legal entity.

Piers, Docks, Wharves, Bridges, and Other Structures and Uses Extending Over or Beyond the Normal High Water Line or Within a Wetland -

1. Temporary: Structures which remain in or over the water for less than seven (7) months in any period of twelve (12) consecutive months.

2. Permanent: Structures which remain in or over the water for seven (7) months or more in any period of twelve (12) consecutive months.

Planned Unit and/or Cluster Development - Land under unified management, planned and developed as a whole according to comprehensive and detailed plans, including street, utilities, lots and building sites, site plans, and design principles for all buildings intended to be located, constructed, used, and related to each other, and for other uses and improvements on the land. Developments may be single operation or a programmed series of operations including all buildings and lands, with provisions for operation and maintenance of such areas and improvements and facilities necessary for common use by the occupants of the development.

Portable Structures – Including, but not limited to, rigid framed tents and tractor trailer boxes.

Premises - One or more lots which are in the same ownership and are contiguous or separated only by a road or water body, including all buildings, structures, and improvements.

Principal Structure - The structure in which the primary use of the lot is conducted.

Principal Use - A use, other than one which is wholly incidental or accessory to another use on the same lot.

Private Club - Access by membership only.

Private Recreational Facility - Access by membership only.

Public Facility - Any facility including, but not limited to, buildings, property, recreation areas, and roads, which are owned, leased, or otherwise operated, or funded by a governmental body or public entity.

Recent Flood Plain Soils - The following soil series as described and identified by the National Cooperative Soil Survey:

Fryeburg	Hadley	Limerick
Lovewell	Medomak	Ondawa
Alluvial	Cornish	Charles
Podunk	Rumney	Saco
Suncook	Sunday	Winooski

Recreational Facility - A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities, excluding boat launching facilities.

Recreational Vehicle - A vehicle or an attachment to a vehicle designed to be towed and designed for temporary sleeping or living quarters for one (1) or more persons, and which may include a pick-up camper, travel trailer, tent trailer, camp trailer, and motor home. In order to be considered as a vehicle and not as a structure, the unit must remain with its tires on the ground and must be registered with a State Division of Motor Vehicles.

Replacement System - A system intended to replace:

1. An existing system which is either malfunctioning or being upgraded with no significant change of design flow or use of the structure; or

2. Any existing overboard wastewater discharge.

Residential Dwelling Unit - A room or group of rooms designed and equipped exclusively for use as permanent, seasonal, or temporary living quarters for only one (1) family at a time, and containing cooking, sleeping and toilet facilities. The term shall include mobile homes, and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented. Recreational vehicles are not residential dwelling units.

Residential Lot Line - Any part of a property line within two hundred (200) feet of a dwelling.

Residential Structure - A residential dwelling unit built for the support, shelter, or enclosure of persons.

Retaining Wall – Retaining walls support soil between different elevations thereby preventing land movement and creating usable spaces in sloped areas.

Riprap - Rocks, irregularly shaped, and at least six (6) inches in diameter, used for erosion control and soil stabilization, typically used on ground slopes of two (2) units horizontal to one (1) unit vertical or less.

River - A free-flowing body of water including its associated flood plain wetlands from that point at which it provides drainage for a watershed of twenty-five (25) square miles to its mouth.

NOTE: *The portion of a river that is subject to tidal action is a coastal wetland.*

Road – Public and private ways such as highways, streets, and other rights-of way, excluding driveways as defined.

Salt Marsh - Areas of coastal wetland (most often along coastal bays) that support salt tolerant species, and where at average high tide during the growing season, the soil is irregularly inundated by tidal waters. The predominant species is salt marsh cordgrass (Spartina alterniflora). More open areas often support widgeon grass, eelgrass, and Sago pondweed.

Salt Meadow - Areas of a coastal wetland that support salt tolerant plant species bordering the landward side of salt marshes or open coastal water, where the soil is saturated during the growing season, but which is rarely inundated by tidal water. Indigenous plant species include salt meadow cordgrass (Spartina patens) and black rush; common three-square occurs in fresher areas.

Sapling - A tree species that is less than two (2) inches in diameter at four and one half (4 ½) feet above ground level.

Seasonal - A use, structure, or activity that is in place for seven (7) months or less per calendar year.

Seawall – Seawalls are a form of a retaining wall necessary to protect against coastal erosion and flooding, primarily designed to protect land and structures from the impact of waves, storm surges, and coastal erosion. Seawalls are typically constructed from durable materials such as concrete, wood, rock, or an approved biodegradable product. A seawall is presumed to be a permanent structure.

Seedling - A young tree species that is less than four and one half (4 ½) feet in height above ground level.

Service Drop - Any utility line extension which does not cross or run beneath any portion of a water body provided that:

1. In the case of electric service:

    a. The placement of wires and/or the installation of utility poles is located entirely upon the premises of the customer requesting service or upon a roadway right-of-way; and

    b. The total length of the extension is less than one thousand (1,000) feet.
2. In the case of telephone service:

    a. The extension, regardless of length, will be made by the installation of telephone wires to existing utility poles; or

    b. The extension requiring the installation of new utility poles or placement underground is less than one thousand (1,000) feet in length.

Setback - The nearest horizontal distance from the normal high water line of a water body or tributary stream, or upland edge of a wetland, to the nearest part of a structure, road, parking space, or other regulated object or area.

Shore Frontage - The length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the lot lines with the shoreline.

Shoreland Zone - The land area located within two hundred fifty (250) feet, horizontal distance, of the normal high-water line of any great pond or river; within two hundred fifty (250) feet, horizontal distance, of the upland edge of a coastal wetland, including all areas affected by tidal action; within two hundred fifty (250) feet of the upland edge of a freshwater wetland; or within seventy-five (75) feet, horizontal distance, of the normal high-water line of a stream.

Shoreline - The normal high water line or upland edge of a freshwater or coastal wetland.

Sign - A name, identification, description, display, or illumination which is affixed to, painted, or represented, directly or indirectly upon a building, structure, parcel, or lot and which relate to an object, product, place, activity, person, institution, organization, or business.

Significant River Segments - See Appendix A or 38 M.R.S.A. Section 437.

Special Exception Permit - See Section 17.E.

Storm-damaged Tree - A tree that has been uprooted, blown down, is lying on the ground, or that remains standing and is damaged beyond the point of recovery as the result of a storm event.

Stream - A free-flowing body of water from the outlet of a great pond or the confluence of two (2) perennial streams as depicted on the most recent, highest resolution version of the National Hydrography Dataset available from the United States Geological Survey on the website of the United States Geological Survey or the National Map to the point where the stream becomes a river or where the stream meets the shoreland zone of another water body or wetland. When a stream meets the shoreland zone of a water body or wetland and a channel forms downstream of the water body or wetland as an outlet, that channel is also a stream.

Structures - Anything temporarily or permanently located, built, constructed, or erected for the support, shelter or enclosure of persons, animals, goods, or property of any kind or anything constructed or erected on or in the ground. The term includes structures temporarily or permanently located, such as decks, patios, and satellite dishes. Structure does not include fences; poles and wiring and other aerial equipment normally associated with service drops, including guy wires and guy anchors; subsurface wastewater disposal systems as defined in Title 30-A, Section 4201, Subsection 5; geothermal heat exchange wells as defined in Title 32, Section 4700-E, Subsection 3-C; or wells or water wells as defined in Title 32, Section 4700-E, Subsection 8.

Subdivisions - See Town of Phippsburg Subdivision Ordinance.

Substantial Start - Completion of thirty (30) percent of a permitted structure or use measured as a percentage of estimated total cost, excluding the planning and design costs.

Subsurface Sewage Disposal System - Any system designed to dispose of waste or waste water on or beneath the surface of the earth; includes, but is not limited to: septic tanks; disposal fields; grandfathered cesspools; holding tanks; pretreatment filter, piping, or any other fixture, mechanism, or apparatus used for those purposes; does not include any discharge system licensed under 38 M.R.S.A. Section 414 (over board discharge), any surface waste water disposal system, or any municipal or quasi-municipal sewer or waste water treatment system.

Sustained Slope - A change in elevation where the referenced percent grade is substantially maintained or exceeded throughout the measured area.

Tidal Waters - All waters affected by tidal action during the highest annual tide.

Travel Trailer - A portable structure built as a vehicle designed for use as a temporary dwelling for travel. This structure shall not be used as a permanent dwelling in Phippsburg.

Tree - A woody perennial plant with a well-defined trunk(s) at least two (2) inches in diameter at four and one half (4 ½) feet above the ground, with a more or less definite crown, and reaching a height of at least ten (10) feet at maturity.

Tributary Stream - Means a channel between defined banks created by the action of surface water, which is characterized by the lack of terrestrial vegetation or by the presence of a bed, devoid of topsoil, containing waterborne deposits or exposed soil, parent material or bedrock; and which is connected hydrologically with other water bodies. "Tributary stream" does not include rills or gullies forming because of accelerated erosion in disturbed soils where the natural vegetation cover has been removed by human activity. This definition does not include the term "stream" as defined elsewhere in this Ordinance, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

***NOTE**: Water setback requirements apply to tributary streams within the shoreland zone.*

Upland Edge of a Wetland - The boundary between upland and wetland. For purposes of a coastal wetland, this boundary is the line formed by the landward limits of the salt tolerant vegetation and/or the highest annual tide level, including all areas affected by tidal action. For purposes of a freshwater wetland, the upland edge is formed where the soils are not saturated for duration sufficient to support wetland vegetation; or where the soils support the growth of wetland vegetation, but such vegetation is dominated by woody stems that are approximately twenty (20) feet (six meters) tall or taller.

Use - The purpose for which land or a structure is arranged, designed, or intended, or for which land or a structure is or may be occupied.

Vacant Lot – A parcel of land that has no improvements.

Value - Equal to the cost of materials plus labor at fair market rates.

Variance - A relaxation of the terms of this Ordinance.

NOTE: *See Town of Phippsburg, Board of Appeals Ordinance.*

Vegetation - All live trees, shrubs, and other plants including without limitation, trees both over and under four (4) inches in diameter, measured at four and one-half (4 ½) feet above ground level.

Velocity Zone - An area of special flood hazard extending from offshore to the inland limit of the primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources.

Volume of a Structure - The volume of all portions of a structure enclosed by roof and fixed exterior walls as measured from the exterior faces of these walls and roof.

Water Body - Any great pond, river, or stream.

Water Crossing - Any project extending from one bank to the opposite bank of a river, stream, tributary stream, or wetland whether under, through, or over the water or wetland. Such projects include but may not be limited to roads, fords, bridges, culverts, water lines, sewer lines, and cables as well as maintenance work on these crossings. This definition includes crossings for timber harvesting equipment and related activities.

Wetland - A freshwater or coastal wetland.

Woody Vegetation - Live trees or woody, non-herbaceous shrubs.

Yard - The area of land on a lot not occupied by the principal building.

Yard or Garage Sale - Casual public sale of goods, new or used, by other than an established business.

APPENDIX A FROM 38 M. R. S. A. 437

38 §437. Significant river segments identified

For purposes of this chapter, significant river segments include the following:

1. **Aroostook River.** The Aroostook River from St. Croix Stream in Masardis to the Masardis and T.10, R.6, W.E.L.S. Townline, excluding segments in T.9, R.5, W.E.L.S.; including its tributary the Big Machias River from the Aroostook River in Ashland to the Ashland and Garfield Plantation town lines;

2. **Dennys River.** The Dennys River from the railroad bridge in Dennysville Station to the dam at Meddybemps Lake, excluding the western shore in Edmunds Township and No. 14 Plantation;

3. **East Machias River.** The East Machias River from 1/4 of a mile above the Route 1 bridge in East Machias to the East Machias and T.18, E.D., B.P.P. Townline, and from the T.19, E.D., B.P.P. and Wesley Townline to the outlet of Crawford Lake in Crawford, excluding Hadley Lake;

4. **Fish River.** The Fish River from the bridge in Fort Kent Mills to the outlet of Eagle Lake in Wallagrass, and from the Portage Lake and T.14, R.6, Townline to the Portage Lake and T.13, R.7, W.E.L.S. Townline, excluding Portage Lake;

5. **Machias River.** The Machias River from the Whitneyville and Machias Townline to the Northfield T.19, M.D., B.P.P. Townline;

6. **Mattawamkeag River.** The Mattawamkeag River from the outlet of Mattakeunk Stream in Winn to the Mattawamkeag and Kingman Township Townline, and from the Reed Plantation and Bancroft Townline to the East Branch, including its tributaries the West Branch from the Mattawamkeag River to the Haynesville T.3, R.3, W.E.L.S. Townline and from its inlet into Upper Mattawamkeag Lake to the Route 2 bridge; the East Branch from the Mattawamkeag River to the Haynesville and Forkstown Township Townline and from the T.4, R 3, W.E.L.S. and Oakfield Townline to Red Bridge in Oakfield; the Fish Stream from the Route 95 bridge in Island Falls to the Crystal-Patten Townline; and the Baskehegan Stream from its inlet into Crooked Brook Flowage in Danforth to the Danforth and Brookton Township Townline;

7. **Narraguagus River.** The Narraguagus River from the ice dam above the railroad bridge in Cherryfield to the Beddington and Devereaux Township Townline, excluding Beddington Lake;

8. **East Branch of Penobscot.** The East Branch of the Penobscot from the Route 157 bridge in Medway to the East Millinocket and Grindstone Township Townline;

9. **Pleasant River.** The Pleasant River from the railroad bridge in Columbia Falls to the Columbia and T.18, M.D., B.P.P. Townline, and from the T.24, M.D., B.P.P. and Beddington Townline to the outlet of Pleasant River Lake;

10. **Rapid River.** The Rapid River from the Magalloway Plantation and Upton Townline to the outlet of Pond in the River;

11. **West Branch Pleasant River.** The West Branch Pleasant River from the East Branch to the Brownville and Williamsburg Township Townline; and

12. **West Branch of Union River.** The West Branch of the Union River from the Route 9 bridge in Amherst to the outlet of Great Pond in the Town of Great Pond.

Shoreland Zoning Map Descriptions Based on the 2015 Town of Phippsburg Tax Map

Beginning at the south boundary of West Bath/Phippsburg line, Map 38 Lot 3 going south and around Brightwater to the east boundary of Map 32 Lot 15:

125' Resource Protection
125' Residential

(Exception #1 Map 37 Lot 3 Town Landing 250' Village District; #2 Map 33 Lot 3 100' Resource Protection, 150' Residential)

Thence, southerly from Map 32 Lot 15 northern boundary of Map 27 Lot 31:

250' Village District
(Sebasco & West Point Villages)

Thence, from the Map 27 Lot 31 to the northern boundary of Map 28 Lot 5:

100' Resource Protection
150' Residential

Thence, from the Map 28 Lot 5 to the northern boundary of Map 28 Lot 3:

250' Resource Protection

Thence, from the Map 28 Lot 3, northerly following the upland edge of North Creek to the northern boundary of Map 29 Lot 7-1 to the confluence* of 2 streams (North Creek and road drainage) crossing over southerly on the east side of North Creek to the northern boundary of Map 18 Lot 6:

125' Resource Protection
125' Residential
***(*NOTE:** North of the confluence is Stream Protection)*

Thence, from the Map 18 Lot 6, southerly to the northern boundary of Map 27 Lot 5-2:

100' Resource Protection
150' Residential

Thence, from the Map 27 Lot 5-2, southerly to the northern boundary of Map 27 Lot 4:

125' Resource Protection
125' Residential

Thence, from the Map 27 Lot 4, following to the shoreline southerly then in a northerly direction following the west upland edge of the marsh to the intersection of Morse's Mountain Road and Route 216, Map 19 Lot 1:

75' Resource Protection
175' Residential

Thence, from the intersection of Morse's Mountain Road and Route 216, Map 19 Lot 1, southerly following to the eastern upland edge of the marsh to and around Cape Small Harbor, then in a southwesterly direction to the Head Beach Road at the southeastern most corner of Cape Small Harbor at high tide, Map 23 Lot 38:

100' Resource Protection
150' Residential

Thence, from the southeastern corner of Cape Small Harbor, Map 23 Lot 38, at high tide, northwesterly to the north end of Hermit Island Lobster Pound, part of Map 24 Lot 31:

100' Resource Protection
150' Village District

Thence, from Map 24 Lot 31, following the shoreline to a point directly east of the north end of Hermit Island Lobster Pound:

250' Village District

Thence, still on Map 24 Lot 31, southerly to the north end of the beach at the north end of Wallace's Head:

125' Resource Protection
125' Residential

Thence, still on Map 24 Lot 31, southerly following the shoreline around Wallace's Head to a point due west to the southwest corner of Map 23 Lot 35:

100' Resource Protection
150' Residential

Thence, from Map 23 Lot 35, southerly then easterly following the shoreline around Bald Head and Cape Small to the northern boundary of Map 22 Lot 6 in Seal Cove:

250' Resource Protection

Thence, from Map 22 Lot 6, in a northerly direction following the shoreline to Map 22 Lot 4:

125' Resource Protection
125' Residential

Thence, Map 22 Lot 4, in a northerly direction following the shoreline around Isaiah's Head to the intersection of the western upland edge of the Sprague River salt marsh and the northern boundary of Map 21 Lot 2:

100' Resource Protection
150' Residential

Thence, Map 21 Lot 2, northerly following the upland edge of the salt marsh of the west branch of the Sprague River, Map 20 Lot 4 & Map 19 Lot 11, then northerly again following the west upland edge of the Sprague River salt marsh to the Morse's Mountain Road, Map 19 Lot 11, then easterly to the upland edge of the marsh, then southerly to the shoreline of Sewall Beach, then northeasterly following the shoreline of Sewall Beach to Morse's Mountain River, then northerly following the western upland edge of the salt marsh to the intersection of the salt marsh and Route 209 (Popham Road) Map 18 Lot 35:

250' Resource Protection

Thence, Map 18 Lot 35, across Route 209 and around the salt marsh on the north side of Route 209 and back south across Route 209, and along the salt marsh to the southeastern boundary of Map 18 Lot 38:

100' Resource Protection
150' Residential

Thence, from the southeastern boundary of Map 18 Lot 38 following the upland edge of the marsh and around Spirit Pond to the southern boundary of Map 17 Lot 5:

250' Resource Protection

Thence, from the southern boundary of Map 17 Lot 5 following the shoreline around Spirit Pond, then following the upland edge of the marsh across Route 209 into Atkins Bay to the northern boundary of Map 11 Lot 29 (including DeBery Pond):

100' Resource Protection
150' Residential

Thence, from Map 11 Lot 29, northerly following the shoreline in the Parker Head Village into the western side of Mill Pond and continuing to follow the shoreline to the northern intersection of the shoreline of Map 11 Lot 56 and Parker Head Road:

250' Village District

(Except for the former Map 11 Lot 55, which is now the northern 2/3's of Map 11 Lot 54, which is 250' Resource Protection).

Thence, crossing Parker Head Road following the shoreline from Map 11 Lot 2 to Sam Day Hill Road:

250' Village District

Thence, crossing Sam Day Hill Road to the south lagoon, following the shoreline back to the western boundary of Map 10 Lot 1-1:

250' Resource Protection

Thence, from Map 10 Lot 1-1, following shoreline of the northern lagoon, across to the northern boundary of Map 10 Lot 4-1:

250’ Village District

Thence, from the northern boundary of Map 10 Lot 4-1 to the eastern boundary of Map 11 Lot 60:

100’ Resource Protection
150’ Residential

Thence, from Map 11 Lot 60, easterly and northerly to the northern boundary of Map 11 Lot 59:

250’ Resource Protection

Thence, from Map 11 Lot 59, northerly to the bridge at Center Pond Dam, Map 8 Lot 20:

125’ Resource Protection
125’ Residential

Thence, from Map 8 Lot 20, across Parker Head Road and southerly following the shoreline around Center Pond including the so-called Beaver Pond, Map 42 Lot 41, to the stream at the northern boundary of Map 42 Lot 34, then northerly following the shoreline and Route 209 to the southeast corner of Map 42 Lot 38:

100’ Resource Protection
150’ Residential

Thence, from Map 42 Lot 38, northerly following the shoreline of Center Pond to the lot’s terminus at Route 209:

79’ Resource Protection
171’ Residential

Thence, from Map 42 Lot 38, following the shoreline of Center Pond, to and across Parker Head Road, then northerly following the western shoreline of the Kennebec River to the northern boundary Map 8 Lot 27:

250’ Village District

Thence, from Map 8 Lot 27, northerly and westerly following the shoreline to the west shoreline of Drummore Bay to the northern boundary of Map 7 Lot 20:

100’ Resource Protection
150’ Residential

Thence, from Map 7 Lot 20, northerly following the shoreline, including around Cutting Creek, to the western boundary of Map 4 Lot 15:

125’ Resource Protection
125’ Residential

Thence, from the western boundary of Map 4 Lot 15 following the upland edge of the marsh to the western boundary of Map 6 Lot 14:

250’ Resource Protection

Thence, from the western boundary of Map 6 Lot 14 northerly following the shore to the southern boundary of Map 2 Lot 16:

125’ Resource Protection
125’ Residential

(With the exception of the State-owned landing at Fiddler’s Reach which is 250’ Village District, Map 2 Lot 35).

Thence, from the southern boundary of Map 2 Lot 16 following the shoreline to the southern boundary of Map 3 Lot 3:

250’ Resource Protection

Thence, the southern boundary of Map 3 Lot 3 following the shoreline around Winnegance Village, to the southern boundary of Map 1 Lot 19:

250’ Village District

(With the exception of Morse’s Mill, part of Map 1 Lot 28, which is zoned General Development).

Thence, from the southern boundary of Map 1 Lot 19 southerly and westerly following the shoreline to the southern boundary of Map 39 Lot 32:

100’ Resource Protection
150’ Residential

Thence, from the southern boundary of Map 39 Lot 32 to the West Bath town line to the southwest corner of Map 40 Lot 27:

250’ Resource Protection

Islands

Bowker's	Map 37	250' Resource Protection
Mercury	Map 36	250' Resource Protection
Bushy	Map 36	250' Resource Protection
Hen	Map 36	250' Resource Protection
Bear	Map 31	100' Resource Protection
		150' Residential
Malaga	Map 31	100' Resource Protection
		150' Residential
Harbor (Horse)	Map 30	100' Resource Protection
		150' Residential
Burnt Coat	Map 27	100' Resource Protection
		150' Residential
Carrying Place	Map 26	100' Resource Protection
		150' Residential
Little Wood (off West Point)	Map 26	100' Resource Protection
		150' Residential
Wood (off West Point)	Map 26	100' Resource Protection
		150' Residential
Tennant's	Map 24	250' Resource Protection
Seal	Map 22	250' Resource Protection
Heron	Map 15	250' Resource Protection
Fox	Map 15	250' Resource Protection
Campbell	Map 16	250' Resource Protection
Woof (Off Popham)	Map 14	100' Resource Protection
		150' Residential
Pond	Map 14	250' Resource Protection
Dix	Map 12	250' Resource Protection
Goat	Map 7	250' Resource Protection
Lee	Map 7	250' Resource Protection
Ram	Map 7	250' Resource Protection

All other small islands are 250' Resource Protection

Ponds/Lakes

Sprague	Map 44	125’ Resource Protection 125’ Residential
Meetinghouse	Map 45	125’ Resource Protection 125’ Residential
Wat-tuh Lake	Map 29	

From the north end of the dam, beginning in a northerly direction, around Wat-tuh Lake to the east edge of the Main Lodge, Map 29 Lot 11, is 125’ Resource Protection – 125’ Residential, continuing westerly to the north end of the dam is 250’ Village District.

Big	Map 23	125’ Resource Protection 125’ Residential
Silver Lake	Map 14	

Beginning at the intersection of Honeywell Avenue and Route 209 easterly following the shoreline to the east boundary of Map 14 Lot 54, 50’ Resource Protection, 200’ Residential. Thence, following the shoreline to the western boundary of Map 14 Lot 60, 250’ Resource Protection.

Thence, following the shoreline westerly to the point of beginning, 100’ Resource Protection, 50’ Residential.

Popham Village

Beginning at the northeast boundary of the State Park, Map 16 Lot 8, thence northerly to the southern boundary of Map 14 Lot 78:

125’ Resource Protection
125’ Residential

Thence, from Map 14 Lot 78, northerly and around Fort Popham to Atkins Bay, then southerly and westerly following the cove to the west boundary of Map 14 Lot 15:

250’ Village District

Thence, from Map 14 Lot 15, southerly following the upland edge of the tidal wetland to and across Route 209; then northerly back across Route 209 to Atkins Bay; then to the west boundary of Map 14 Lot 12:

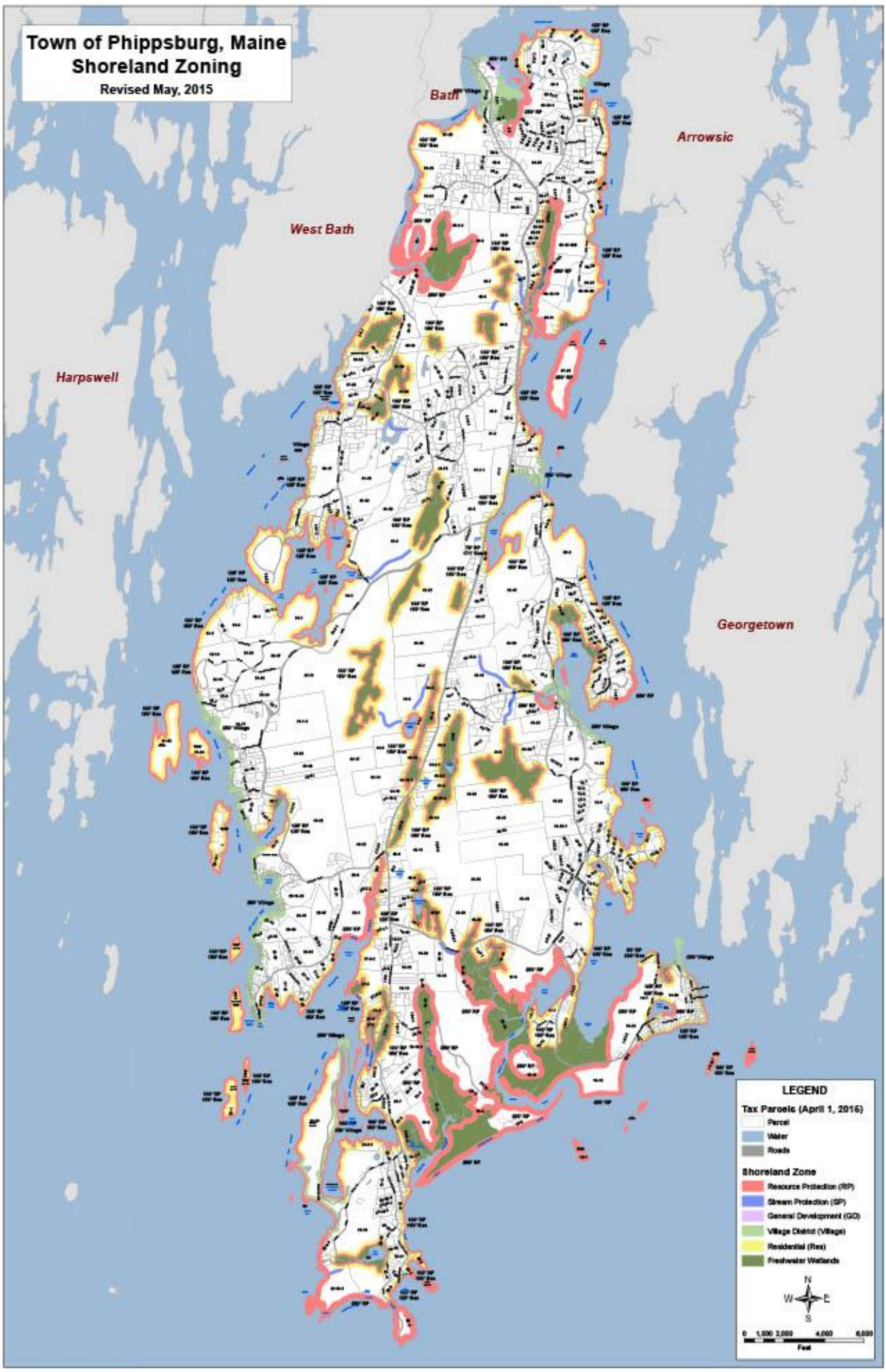
125’ Resource Protection
125’ Residential

Thence, from Map 14 Lot 12, westerly to the southern boundary of Map 14 Lot 11:

50’ Resource Protection
200’ Residential

Thence, from Map 14 Lot 11, southerly following the upland edge of the marsh to Route 209 then westerly following the upland edge of the marsh to the shoreline of the State Park Beach, then easterly following the shoreline to Map 16 Lot 9:

250’ Resource Protection


Town of Phippsburg, Maine
Shoreland Zoning
Revised May, 2015
Bath
Arrowsic
West Bath
Harpswell
Georgetown
LEGEND
Tax Parcels (April 1, 2016)
Parcel
Water
Roads
Shoreland Zone
Resource Protection (RP)
Stream Protection (SP)
General Development (GD)
Village District (Village)
Residential (Res)
Freshwater Wetlands
N
W
E
S
0 1,000 2,000 4,000 6,000
Feet